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TRANSCENDENTAL IDEALISM'S THEORY OF SELFHOOD: FICHTE ON THE RELATIONSHIP BETWEEN KNOWING ONESELF AND MORAL DELIBERATION

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TRANSCENDENTAL IDEALISM'S THEORY OF SELFHOOD: FICHTE ON THE RELATIONSHIP BETWEEN KNOWING ONESELF AND MORAL DELIBERATION

DISSERTATION

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the College of Arts and Social Sciences at the University of Kentucky

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ABSTRACT OF DISSERTATION

TRANSCENDENTAL IDEALISM'S THEORY OF SELFHOOD: FICHTE ON THE RELATIONSHIP BETWEEN KNOWING ONESELF AND MORAL DELIBERATION

In this dissertation, I take on an exegetical project of understanding how Fichte's theory of the self influences his account of moral deliberation, and specifically, his account of conscience. I argue that moral action can only be understood within Fichte's system as possible on the basis of the individual's own cognitive awareness that they are not only bound by the moral law, but that they are so *in virtue of their essential nature as selves.* In other words, the feeling of conscience in Fichte's work, and the decision to abide it, requires that the acting individual recognize that the *ought* behind the moral law is a product of nothing more than their own nature as free I's.

This recognition of the self-given nature of the moral law requires a specific reflective process, one that Fichte lays out clearly in the early part of *The System of Ethics.* This reflective process elevates the I – from first something only potentially conscious, to finally something fully so.

But it is not always clear how this reflective work fits with his account of particular moral deliberations – is it a backdrop that creates humans capable of moral deliberation at all, or is it a feature of individual deliberative processes themselves? Below, I argue that it is the latter view – that reflection on the moral law's self-givenness is a part of specific deliberative acts – that best makes sense of Fichte's account of moral deliberation.

Incorporating Fichte's remarks on self-reflection into his account moral deliberation also offers a clear picture of how Fichte conceived of I-hood. In this project, I argue that I-hood for Fichte must be understood in two different ways; one, a 'minimal' form of I-hood that all humans capable of rational thought possess, and another 'full' form of I-hood that is found only when individuals choose to think and act freely.

KEYWORDS: Fichte, Transcendental Idealism, Moral Deliberation, Selfhood

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For Ron

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INTRODUCTION

I.1 The Thesis

Fichte's commitment to crafting a philosophy of freedom is what drew me to his work, and his investigation of I-hood is what shaped this dissertation project in particular. In this dissertation, I take on an exegetical project of understanding how his theory of the self influences his account of moral deliberation, and specifically, his account of conscience. I argue that moral action – that is, actions which are self-determined - can only be understood within Fichte's system as possible on the basis of the individual's own cognitive awareness that they are not only bound by the moral law, but that they are so *in virtue of their essential nature as selves.* In other words, the feeling of conscience in Fichte's work, and the decision to abide it, requires that the acting individual recognize that the *ought* behind the moral law is a product of nothing more than her own nature as a free I.

This recognition of the self-given nature of the moral law requires a specific reflective process, one that Fichte lays out clearly in the early part of *The System of Ethics.* This reflective process elevates the I – from first something only potentially conscious, to finally something fully so.

But it is not always clear how this reflective work fits with his account of particular moral deliberations. Is self-reflection a separate process that occurs once in the process of becoming a morally capable individual? Or is it a feature of the deliberative process itself, something that must occur along with each instance of moral deliberation?

Below, I argue that it is the latter view – that reflection on the moral law's self-givenness is a part of specific deliberative acts – that best makes sense of Fichte's account of moral deliberation.(I also think it offers a superior account of moral deliberation in general.)

Incorporating Fichte's remarks on self-reflection into his account moral deliberation also offers a clear picture of how Fichte conceived of I-hood. In this project, I argue that I-hood for Fichte must be understood in two different ways; one, a 'minimal' form of I-hood that all humans capable of rational thought possess, and another 'full' form of I-hood that is found only when individuals choose to think and act freely.

Before making such a case, I focus on this reflective process itself. In Fichte's account, certain reflective acts must occur before consciousness is present. In other words, consciousness requires certain *transcendentally necessary* acts of reflection. As noted above, Fichte spells out these reflective acts quite clearly; they are reflections upon the nature of freedom, carried out by the individual, which reveal something to the individual about itself. But this leads to a problem. How do individuals carry out such reflective acts if, prior to them they are not conscious 'properly speaking'? What sort of 'consciousness' does Fichte have in mind when he places it on the back of a rigorous reflective process, one that Fichte is explicit about not all humans having done?

This issue is addressed in Chapter Three of this project. However, the fundamental worry; that Fichte equivocates on the nature of consciousness in order both to transcendentally investigate it *and* to posit it as a goal for individual, finite humans, appears in at least two other ways within his project. I look at two of these in Chapters One and Two. In each case, the fundamental worry is, I believe, the same. In Chapter One, I look at the *Grundlage der gesammten Wissenschaftslehre*, Fichte's first published

iteration of his Wissenschaftslehre, which contains an initial yet thorough presentation of the concept of 'absolute self-activity,' of which Fichte makes use in *The System of Ethics*. In this account, Fichte makes a theoretical claim about the nature of the I; that it is, in its 'essence', *absolute self-positing*. Then, in his effort to unify theoretical and practical reason, he claims that such an essence provides the I with a normative dimension, which it experiences as a claim that it ought to *strive* for absolute freedom in the world. This yoking of the nature of the I itself with a practical demand placed upon the I is the core of Fichte's practical project, for reasons explained in detail in Chapter One. But as one can anticipate, the worry of equivocation reappears. Fichte's investigation of the I reveals an absolutely free activity that *is* the I. How, then, can such an essence lead to a practical demand? It seems, in the *Grundlage* at least, that it does so on the basis of an equivocation upon the term 'absolute', one which allows Fichte to says that absolute self-activity is both something that I necessarily has *and* something that lies beyond it, toward which it must strive.[1] [2]

In Chapter Two, I look at this issue in a different context, as it appears within Fichte's deduction of the moral law as a 'necessary thought' within the I. Fichte presents the moral law as entailed by the nature of reason itself. Once again, Fichte's project seeks to yoke the moral law to an essential claim about the nature of the I itself. But Fichte cannot coherently argue (and he does not argue) that only those individuals who think the moral law as he presents it are conscious, or that only those who view morality as he does

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[1] Fichte, J.G. *Grundlage der gesammten Wissenschaftslehre.* in *The Science of Knowledge with the First and Second Introductions,* trans. Peter Heath and John Lachs. (Cambridge University Press 1983) (Hereafter: Grundlage)

[2] Fichte, J.G. *The System of Ethics.* Trans. Daniel Breazeale and Günter Zöller. (Cambridge University Press 2005) (Hereafter: SE)

are actually agents. Nor does he argue that only those who conceive of the moral law as he presents it are capable of reason. But Fichte *does* claim that those who conceive of themselves correctly have the thought of the moral law. Fichte's claim appears to be that if one considers her freedom accurately, they will necessarily think the moral law. This is, in my view, a coherent and compelling claim. But it requires clarification in order to avoid the sort of readings noted above; readings that suggest Fichte thought only those who agree with him about morality were reasoning beings, or worse, conscious beings.

This dissertation focuses on the nature of being a person; one who must act in the world and decide how to do so. In focusing on Fichte's work, I have been able to consider how one might make sense of the idea that normative requirements are a product of the sort of thing the human being is, and with it, the idea that the moral can be both universal and self-given. Fichte's project, in my view offers a promising account of how one might be free, yet bound by law that lies within the self as a part of the very nature of what it means to be a human being.

My hope is that my project as a whole elucidates something about the nature of agency and normativity, selfhood and moral bounded-ness, freedom and deliberation. The difficulties Fichte has in presenting a coherent conception of selfhood are not unique to him. To the contrary, the sort of equivocations worrisome in Fichte are worries for any philosophy that makes use of a notion of progress within the idea of consciousness itself, from Hegel to Marx, to the Frankfurt school of Critical Theory. All of these must deal, within their own philosophy, with the problem of how to conceive of consciousness as

dependent upon certain conditions or actions, and with how to discuss the situation in which these requirements have not occurred.[3]

So too, I hope this dissertation elucidates something about the Fichtean practical project. Fichte's use of a *feeling of conscience* to ground the morality of specific actions is a unique contribution to the history of philosophy. But his account is notoriously complex. Fichte attempts to make use of such a feeling while maintaining a role for rational deliberation, reasoned reflection, and communicative discourse. He does this by introduces a complicated account of *drives* within the individual, which are both the ground of conscious experience and of the moral law. I hope to use my research on the nature of I-hood in this project in order subsequently to develop my own account of how conscience functions within the individual.

I.2 Research Influences

My research began with a general interest in how intuitions about right and wrong were shaped by an individual's fundamental beliefs about what it means to be a human, and what sort of human they take themselves to be. I sought an account of how the sort of rules one follows is influenced by their general beliefs concerning who one is. More specifically, I wanted to understand how one's views about what is most irreducible within the human experience, or most essential to the unique thing that is 'human', actually impacts the sort of choices individuals make in the world.

[3]I would argue, for example, that the 20th century conversation about social recognition must deal with a nearly identical equivocation worry. See, for example, Honneth, Axel. *The Struggle for Recognition*. *(*MIT Press 1996)

I was also curious about instances of *akrasia*, moments in which the self is fundamentally divided. My hypothesis was that instances of weak willed-ness are deeply related to the sort of commitments one takes to be intrinsic to 'selfhood'; commitments that produces claims about what one *ought* to do, but in moments of *akrasia*, also offers a justificatory claim that undermines or sidesteppes this normativity.

The sort of divided self that *akrasia* reveals is quintessentially Fichtean, and his project offers a compelling conception of it. His claim is that the fact of the self being divided against itself is fundamental to consciousness as such. Roughly speaking, the disagreement of the will that brings about *akrasia* will turn out to be transcendentally necessary for conscious experience, as part of what it means to be a conscious being in a material world. In this project, I do not discuss *akrasia* in great detail, although Fichte's discussion of 'stages' of self-sufficient action clearly have something similar to it in mind. The final portion of this project discusses Fichte's account of how one might see what one ought to do, but be unable to align one's will to such a demand.

Fichte frequently speaks of the I 'tearing itself away' from itself in order to reflect – a vivid metaphor that foreshadows the drama of later 20th century existentialists. In fact, the direction of this project is influenced by my own enduring interest, and frustration, with the existentialist project, particularly Jean-Paul Sartre's. This is what led me to look closely at Fichte's systematic method, for, as appealing as I find Sartre's project, I have come to believe that in Fichte's system one can find at least *most* of the rewarding elements of French existentialism while also enjoying the fruits of an account of freedom that gives it structure, and ultimately, law.

Sartre, like Fichte, sought a philosophy of human freedom, and he too approached free will as an integral part of human experience that philosophical arguments do little to actually address. Fichte offers, in my view, just the sort of system that allows him to yoke what Sartre calls 'authenticity' with moral behavior. Fichte's *System of Ethics* is built upon the idea that one can investigate what kind of thing the *I* really is, and if one acts in accordance with what one finds one will act ethically. For Fichte, moral action requires the right sort of understanding of self. Specifically, it requires that one understand oneself as self-determined and completely free.

This is just the sort of self-understanding advocated by Sartre, though, of course, moral boundedness is not featured in Sartre's account of radical freedom. Nonetheless, there are some striking similarities between the two both in terms of method and, I believe, their hopes for their complete philosophical projects. I take both Fichte and Sartre, for example, to approach philosophy as quintessentially a project of employing a new theoretical structure in order to explain our experience of freedom. Both begin with a factual description of ordinary experience; both proceed from there in building their account. But more notably, I think, is the way in which both were fundamentally concerned with practical engagement in the world. Sartre, in *Being and Nothingnes*s, is notoriously ambivalent about both the possibility and the value of 'authenticity'. Sartre lacks the philosophical tools to morally endorse authenticity because his conception of human freedom is structure-less, aimless, and radically under-determined. Later writing, such as the unfinished *Notebooks for an Ethics,* demonstrates Sartre's desire to acquire such philosophical tools. But Sartre's conception of the self leaves him in a bind; he is never able to derive the sort of ethical import one might wish from his philosophy.

My reading of Fichte places him, some 150 years earlier, as an example of how one might achieve such a yoking of the free self with moral requirements. Fichte's *System of Ethics* provides an affirmative answer to this question: Can an ethic be constructed on the basis of individuals acting in accordance with their true nature as free? In this way, Fichte offers an account of just the sort I sought above; one that traces the rational link between what one takes to be fundamental about oneself, and the sort of moral laws one follows. Fichte claims that if one takes oneself to be essentially a free sort of being, the moral law will present itself as he describes.

I.3 System and Freedom in Fichte's Work

The importance of systematic unity for Fichte's account of this link between freedom and morality cannot be overstated. Fichte's project is fundamentally one of systematicity. Early writings reveal a particularly rigid adherence to this commitment. Fichte's first full presentation of his system is the *Grundlage,* and it is striking in its tedious attempt to create a single philosophy built upon 'first principles' - one which is able to account for the totality of human experience. Fichte's aim there, and throughout his career, was to create a unified 'system of human freedom' that explained the experience as what Fichte calls 'ordinary consciousness' – our everyday experience of being free actors and thinkers in the world. He also took himself to be offering a defense of Kant's critical philosophy, and this defense is rooted precisely in Fichte's commitment to systematicity. Fichte claimed to be offering, in his *Wissenschaftslehre* project, an

account of unity within human reason - and human experience in general - that Kant was never able to provide.

Fichte's later Jena-era writings abandon this principle-driven approach, in favor of one that begins with simple postulates and asks the reader to follow him through an investigation of these claims. But the systematic approach to these postulates remains. This results in a philosophy that combines descriptive starting points about the fundamental nature of human experience with transcendental investigations of these claims. Fichte's philosophy is not a rationalist project devoid of empirical content. To the contrary, Fichte is explicit that his project must always answer to experience *as it is.* Systematic cohesion, then, is not enough. Fichte must get it right about the way human individuals really are.[4]

This makes Fichte's focus all the more interesting, for Fichte is fundamentally concerned with what it means to be an I – 'I-hood', in his terminology. His transcendental findings purport to explain the experience of being an I, and reveal what is necessary for this experience. For this reason, readers must remain attuned to questions about exactly what sort of self Fichte has in mind as he begins his transcendental investigation of selfhood. Who is the Fichtean self? What does Fichte take to be fundamental about I-hood, and thus worthy of transcendental investigation?

The clear preliminary answer to these questions is 'freedom', of course, but this requires a great deal of explication. The *Wissenschaftslehre nova methodo,* based on lectures Fichte gave at the University of Jena from 1796/99, begins by asking the reader

[4] For a thorough discussion of the unique 'genetic' method Fichte uses to build his philosophy upon 'first principles', see Breazeale, Daniel. *Thinking Through the Wissenschaftslehre*. (Oxford 2013)

to 'think the I'.[5] Fichte's claim about what is required in order to do so involves his infamous '*Tathandlung*', or fact/act of the I's own self-positing activity. Consciousness requires self-consciousness because consciousness requires that the I unify its experience around a single self. But Fichte's presentation of this adds an important claim. The '*Tathandlung*' of the I's 'pure activity' is the *act of the I positing itself*. In other words, consciousness is, at every moment, dependent on an act of self-positing on part of the I. Consciousness is a product of this pure activity. Thus, the 'fact/act' of pure activity is both the act of the I's self-positing, and the fact of the I's unified existence. It is this pure activity that is the I's freedom. Consciousness of the world via theoretical understanding as well as practical engagement depends on this initial act.

Fichte's project builds upon this basic claim, and derives the entirety of ordinary conscious experience from this transcendental account. But Fichte, as he does in *The System of Ethics*, must consistently check to ensure that the necessary components of the self he has derived transcendentally are actually present in ordinary consciousness. In other words, he attempts to demonstrate that his findings match up with the way I's really are. As readers, we should do the same. Freedom, in Fichte's view, is the essential feature of I-hood. But again, Fichte must give an account of how ordinary consciousness experiences this freedom. *The System of Ethics*, in its focus on the role of conscience in moral deliberation, and one's experience of the moral law, is just this account. It focuses on questions concerning how ordinary individuals experience their own ability to freely determine themselves. And it offers an account of why this very experience of freedom leads rationally to the recognition of the moral law.

[5] Fichte, J.G. *Wissenschaftslehre nova methodo.*

Fichte chooses to start with a presupposition of human freedom. And he is clear that this presupposition must ultimately be chosen. His choice is not arbitrary; he insists that while no system could ever put skeptical questions about the existence of freedom to rest, a philosophy built on freedom *does* better capture the human experience than one built on determinism (dogmatism). But the starting principle of a philosophy of freedom, and the starting principle of dogmatism, are two fundamentally opposed principles. They are each theoretically ungrounded, unconditioned starting points for creating one's view human experience. As a result, there is little conversation to be had between them. Philosophical argument has no real way to arbitrate the disagreement. Whether one chooses a philosophy of freedom or one of dogmatism is ultimately determined only by oneself, and Fichte is infamously personal in his attacks of those who would choose the latter. He is also, at times, starkly aware of the limits of argumentation between disagreeing philosophers.[6]

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[6] See the following passages from Fichte's *First Introduction to the Wissenschaftslehre*:

"*The kind of philosophy one chooses thus depends upon the kind of person one is. For a philosophical system is not a lifeless household item one can put aside or pick up as one wishes; instead, it is animated by the very soul of the person who adopts it. Someone whose character is naturally slack or who has been enervated and twisted by spiritual servitude, scholarly self-indulgence, and vanity will never be able to raise himself to the level of idealism.*"

"The author of this Wissenschaftslehre, for example, has long since asserted that this is his personal opinion concerning the Wissenschaftslehre – considered, that is, as the one system of transcendental idealism, and not merely as one of the individual presentations of the same, which, as such, can always be improved – and he does not hesitate for a moment to reaffirm this opinion explicitly on the present occasion. In saying this, however, we become caught up in a palpable circle. Anyone who is himself convinced will then assert, 'My philosophy really is universally recognized by everyone who is a philosopher.' And he will be perfectly entitled to say this, even if not a single other mortal soul accepts the principles of his philosophy – 'for', he will add, 'anyone for whom my philosophy is not valid is not a philosopher.'"

-Fichte, J.G. "First Introduction to the Wissenschaftslehre" in *Introductions to the Wissenschaftslehre*, trans. D. Breazeale. (Hackett 1994), 20; 97

I.4 Overview of This Project

My general aim in this project is to integrate Fichte's theory of selfhood with his theory of moral deliberation. This led me to *The System of Ethics;* I focus on it exclusively after the first chapter. As discussed above, this project is concerned first with understanding how Fichte conceives of the necessary components of consciousness, and then, on the basis of this account, how he understands this consciousness in relation to moral deliberation. In the first two chapters, one finds preliminary work, which offers what I take to be uncontroversial textual interpretation of both the nature of the I and the nature of the moral law. The final two chapters present two distinct theses regarding this relationship. The first thesis concerns how we must understand Fichtean I-hood; the second concerns how we ought to understand Fichtean moral deliberation. This final thesis, which argues that moral deliberation requires a specific sort of self-reflection, is culmination of my research and the thesis of this dissertation as a whole. It requires the secondary thesis of Chapter Three - that I-hood must be understood as in some way normative or *aspirational* - and it is my hope that the background provided in Chapters One and Two illuminate more fully the Fichte's conception of the self in general.

The first chapter of this project begins with a look at the philosophical background of the Fichtean self as well as the concept of the 'self-positing I' that emerged early on in Fichte's career and remained throughout his work. Throughout his many iterations of the *Wissenschaftslehre,* Fichte's 'self-positing I' is a primary,

foundational concept. My intention here is to achieve a level of understanding about what Fichte means by this idea, in order to continue our look at the complete Fichtean I.

First, I look briefly at how the 'self-positing I' took shape over the course of Fichte's 'Jena period'. For our purposes, I focus especially on some important criticisms Fichte waged against Kant. I look both at Fichte's early writings as well as the last work we have from his time at the University of Jena– the *Wissenschaftslehre nova methodo*, which is published from two sets of lecture notes transcribed from Fichte's later semesters there. In Fichte's early work, he explains quite clearly what purpose the 'absolutely self-positing I' was meant to serve in his system, addressing explicitly the weaknesses in Kant's work that it was meant to address. In the *nova methodo* we find Fichte's most mature presentation of this system, with an argument structure that is set apart from his earliest presentation, the *Grundlage*.

But Fichte's use of 'absolute self-activity' poses a problem for him that reoccurs in various ways throughout his entire project. In the *Grundlage,* this problem appears as he moves from his theoretical claim that the I *is* absolute self-positing to his practical claim that because of this, the I ought to strive for absolute activity in the world. This concern is voiced clearly in Frederick Neuhouser's *Fichte's Theory of Subjectivity*, as Neuhouser outlines what he takes to be a fatal equivocation on Fichte's part concerning the meaning of 'absolute'.

This chapter concludes with my own approach to this problem of the 'absolute'. I turn to *The System of Ethics* to propose an interpretation that avoids the equivocation apparent in the *Grundlage* – one based in the self-reflective form of this act. I focus on a close reading of Fichte's 'Deduction of the Principle of Morality' to make my argument.

This first section of *The System of Ethics* sets up Fichte's basic connection between I-hood and morality. The focus on reflection that I propose here is, in my view, crucial to this entire connection, and this project is, in one way, an attempt to bring out the way that the coherence of Fichte's transcendental project turns on a complete understanding of self-driven reflection upon the self.

Chapter Two focuses exclusively on how Fichte moves from an investigation of the I to his claim that the moral law is found within the I as a 'necessary thought'. Fichte focuses on the structure of self-reflection in order to make the case that the moral law is found in this way. But the way in which the moral law is 'necessary' to the self raises a set of issues about what sort of selves have had such a thought.

The necessity of the moral law lies, I argue, in a claim that Fichte makes about how the I must think itself *if* it chooses to reflect upon its own freedom. Thus, the necessity is normative; it becomes necessary only upon the I's commitment to rational reflection upon itself. This allows Fichte to claim that the I plays an active role in having this thought. It is not found within the I as a structure of consciousness present all along; in other words, the I does not happen upon the moral law within itself. Rather, the I, through active self-reflection, constitutes this moral law through the reflective process of considering its freedom. It experiences the law as necessary insofar as it commits to this reflection.

The 'necessity' of the moral law has particular consequences for one's ability to choose in accordance with it, *or not.* In other words, the necessity of the thought of the moral law must be experienced as necessary in a way that makes it a categorical demand.

But this necessity cannot lead to 'automatic' obedience to the moral law; such an account is both implausible on its face and destructive of the concept of free will. The thought of the moral law must be understood as necessary in a very precise way; my work here offers such an account.

The moral law, when it is thought, is seen as a part of the I itself. But this law is not experienced as directing the I automatically. Thus, though encountering the moral law entails encountering it *as essential to the self,* one still has a choice in the matter as to whether to obey it or not. What is the nature of the moral law's being 'essential to the self', then, if this essentiality does not entail the impossibility of disregarding this self-given law? The answer, I propose, lies in Fichte account of reflection and the division that it requires. Fichte must be able to offer an account that makes the moral law a categorical demand, while *not* arguing that when properly viewed, it removes the possibility of disobeying it. This chapter makes suggests that Fichte is able to do this on the basis of his account of the fundamental nature of self-reflection.

Fichte's discussion makes it clear that in the act of self-reflection, a division must be imposed upon the I; a division that is, it turns out, required for conscious experience itself. The I must 'tear itself away from itself', in Fichte's words, in order to view its own activity. The resulting act of reflection then, sees itself, but it sees itself from a removed point of view. Self- consciousness must view itself from without – it must separate itself from itself, in order to reflect.

This says something important about the way we encounter the moral law. Fichte's account of the act of reflection explains how one can encounter the moral law as

self-given, while still being free to reject it. This is possible because of the essential division within the I that is required for self-consciousness to occur at all.

Chapter Three returns to the concept of the I in light of this discussion of self-reflection. Reflection plays a crucial role in Fichte's account of becoming a self. But as alluded to above, Fichte's account of the self risks incoherency. His transcendental project is one of investigating the necessary features of being an I. Such a project begins with consciousness, as it is found in human beings, and deduces necessary structures that such consciousness relies upon. This conception of the nature of transcendental investigation, though, is not easily reconciled with the way in which I-hood is discussed within Fichte's system. This is because I-hood, in his account, is clearly something not all individuals possess – at least not *fully*. This leads me to introduce a distinction between this complete or 'full I-hood' – the end of full self-reflection upon one's own nature, and a more minimal conception of I-hood - mere consciousness, or what I call 'minimal I-hood'.

Fichte walks the reader through a series of reflective steps that an individual must undergo in order to become an I in the full sense of the term. These reflective steps are reflections by the I upon the I; beginning with a reflection upon one's 'natural drive' and concluding with a recognition of the categorical demand of the moral law. This reflective process reveals to the I the nature of its own freedom; first, the I recognizes that it is free in what Fichte calls a 'formal' way; it is able to think freely, and resist the demands of its body. The completion of this reflective act leads to a recognition of the I's own 'material

freedom'; its ability to self-legislate according to its own freely given law. This law, of course, is the moral law.

Fichte is explicit; not all individuals have performed such reflection. Many have performed it only partially, and as such, are not fully aware of the moral law or its bindingness. The reflection that leads to I-hood is, in Fichte account, a single, unified act, but it can nonetheless be arrested at any point prematurely; resulting in an individual who is only partially aware of her essential character. Self-reflection offers the I a chance to become fully aware of its own nature, but it is a free choice on the part of each individual whether to carry out this reflective act completely. Thus, it seems clear; not all individuals are 'I's in the way Fichte describes above; for, if I-hood requires the complete act of reflection as Fichte outlines it, not all individuals meet such a requirement.

Yet, Fichte is equally explicit; these reflections are *required* for consciousness. So, one is tempted to conclude that Fichte thought those individuals who had not performed self-reflection as he presents it, are simply not I's; indeed, he at one point claims that such individuals "do not possess any consciousness, properly speaking."[7] Such a conclusion leads to the further claim that those who do not recognize the moral law are not conscious; that who do not act morally are not I's.

I do think that Fichte understood I-hood to be normative in nature, and that he saw it as something individuals must strive to achieve via self-reflection. But I do not think he means to suggest that individuals who have not reflected in the way he outlines are not conscious *in any form*. Rather, I think he would readily agree that all acting individuals are conscious in some minimal sense. This does require a *minimal* degree of reflection;

[7] SE, 131.

something akin to Kant's I-think behind our conscious representations of the world.[8] Such reflection, it may turn out, simply *must* occur if one is to be conscious in any way. But beyond this, the completion of Fichte's reflective process of self-awareness is not a given, and because of this, neither is *full* I-hood a feature of all individuals.

This distinction must be made with care; Fichte must be able to grant some basic conception of selfhood to all individuals, while still yoking full I-hood to recognition of the moral law. Offering a coherent account of these dual claims is the aim of this chapter. My account distinguishes between 'minimal I-hood' and 'full I-hood' in order to read such a distinction into Fichte's work. The result is a view of full I-hood, and the reflection it depends on, as fundamentally normative. But despite this, a 'minimal', non-normative concept of I-hood; something like mere consciousness, must be granted to human actors in general.

Chapter Four of this project takes up the normative nature of this reflection, and argues that the specific way self-reflection must unfold for Fichte is a part of the nature of moral deliberation itself. Fichte discusses self-sufficiency as happening in stages; stages that are a product of the degree to which one has reflected, and that have consequences for one's ability to act morally. I take up this understanding of self-sufficiency and argue that Fichte suggests that it is a reflection upon the self-given nature of the moral law that

[8] Fichte corroborates this in the *Second Introduction to the Wissenschaftslehre*, in which he notes that the Kantian 'I think' must refer to an I that is pure spontaneity. "*This pure self-consciousness is the same in all consciousness, and thus it is not determinable by anything contingent within consciousness. The I that appears within pure self-consciousness is determined by nothing but itself, and it is determined absolutely*." Fichte says that because of this, the I of the Kantian 'I think' is simply his notion of the 'pure drive', which, as I explain in Chapter Three, drives the initial act of self-reflection that brings about consciousness via a distancing from the natural drives of one's body. The pure drive, like the Kantian 'I think' is the grounds for consciousness altogether. See page 61.

finally allows one to act in accordance with duty. I argue as well that moral failing, in which one sees one's moral duty but chooses to ignore it, involves a *misrepresentation* of one's relationship to the moral law and more fundamentally, of one's nature as free. Full reflective awareness of this nature would, in any given situation, prevent the I from disobeying the moral law, precisely because they would understand themselves as categorically bound by it in virtue of their nature as free.

The misrepresentation of the nature of the moral law related to Fichte's conception of I-hood. Fichte makes this clear; for the reflective path to self-sufficiency involves a semi-final stage in which the I is able to see duty as duty, and yet, it does not take itself to be *bound* by this duty. The reflective process with which one raises oneself to the final level of self-sufficiency is the same process by which one becomes an I. In this way, recognition of one's capacity for material freedom, I argue, places one at the semi-final stage of self-sufficiency. In my account of full I-hood, the completion of the I's reflection upon its own freedom, occurs when one acts in accord with this material freedom. This gives full I-hood a temporally-indexed quality; it is something that occurs when one has acted morally.

This emphasizes the aspirational nature of full I-hood. Properly speaking, full I-hood would require moral action in every circumstance. It would require that in every circumstance one had the reflective awareness to see one's duty and to see oneself as bound by her nature to this duty.

Immoral choice, then, occurs when the I misconstrues to itself the way in which the moral law is rooted in its own self-legislation. If the I stops short in the reflective process of becoming a 'full I', it may not accurately understand the way in which this

freedom is necessarily bound by law. Thus, it may understand that it is free to make its own choices, and it may see that this seems to make demands upon a particular situation. But the I, because of its incomplete self-reflection, may not understand this demand as originating in its very nature as free; thus, it may not understand itself as fully bound by this law.

This final chapter of my project makes the above case in detail, but it does so in light of a discussion of the function of Fichtean conscience. My aim is to integrate the above account into my own understanding of how the feeling of conscience works within moral deliberation. I argue that one must be at the third stage of self-sufficiency in order to have a feeling of conscience, because such a feeling requires that one recognize her capacity for material freedom.

After a discussion of some contemporary accounts of Fichtean conscience, done in order to locate my own within them, I present the final claim of this project. The claim is that it is reflection upon one's nature as free that allows for better moral deliberation about what one ought to do, and ultimately furnishes one with the ability to choose in accordance with duty. This reflection is, in my view, something that is a part of the deliberative process itself, for, as Fichte makes fairly clear, the bindingness of the moral law is something that must be continually re-recognized by the I itself. This recognition, obtained by self-reflection upon what it means fundamentally to be an I at all, is, in my view, what allows the I to both see its moral duty and follow through on obeying it.

I.5 Conclusions

Taken as a whole, this account of Fichte's ethical system aims to be one of the sort I sought at the outset of this project; an account that begins with a claim about what is fundamental about being a human and uses this to derive a normative constraint upon action in the world. In Fichte's project, the fact that human consciousness requires freedom provides a universal grounding for the moral law that is derived from this fact. Yet, this universal law is experienced by the individual as something self-given. In this way, the I's own understanding of its nature leads to specific demands placed upon it in the material world. Properly understanding what it means to be a conscious human being, then, requires recognizing a law about how to act.

In the work that follows, I hope to make clear this relationship between the moral law and the self, by emphasizing the way that the moral law is necessarily experienced as a product of the I's essential character. *If it is to be understood by the I as law at all,* the I must recognize that the reason the moral law is law is because it is entailed in the conception of human being. If the moral law is to be duty, it must be experienced as such through a recognition of something fundamental about oneself.

Fichte's work is, in my view, particularly strong in its inclusion of an account of this first-person experience of the moral law. The ordinary individual ought, in his view, to understand herself as possessing a freedom common to all human beings, simply because this *is the case*. If one sees this basic truth about the human experience, one will, in Fichte's view, encounter the moral law within oneself, and it will encounter it as a product of one's own nature as free.

CHAPTER ONE: Historical Background and the I's Absolute Self-Positing

1.1 Reinhold's Influence and the Demand for Unity

Fichte's thought grew within the complex intellectual atmosphere of post-Kantian German philosophy. There are several key participants in this conversation, and among them a network of personal allegiances and philosophical commitments. At the time of Fichte's publication of his first iteration of his *Wissenschaftslehre* in 1794, a rich historical debate about the aims of philosophy was well under way, motivated in part by the publication of Kant's Critique of Pure Reason, but extending far beyond it. A complete picture of Fichte's historical context would detail the effects of Spinoza's re-entry into German philosophy in the years prior to Kant. It would explore the atheism controversy that emerged from this re-entry, and the important place of Friedrich Jacobi within this controversy, including his influence upon the reception of Kant's work, and his continued presence in Fichte's professional life. It would discuss Moses Mendelsson, Christian Wolff, Maimon, Schulze, and others. It would surely delve into Karl Leonard Reinhold's philosophy, and his role in making Kant the central figure of German Idealist thought. It would detail Reinhold's crucial influence on Fichte as a fellow Kantian.

For the purposes of this project, I give Reinhold special attention, because of his immense influence upon the trajectory of Fichte's thought. Reinhold, through his own attempt to systematize Kant's critical work, influenced Fichte's understanding of Kant as well as the task Fichte put before himself. Fichte's use of an 'absolutely unconditioned

starting point' is inherited from Reinhold. So too is his claim that Kant's work lacks unity, and his project of deducing Kant's system from a 'first principles.' Fichte's idea of himself as an inheritor of Kant's project, who must protect it by recasting it in a systematized and properly 'scientific' formulation, is the same project Reinhold ascribed to himself. Reinhold and Fichte also share similar concerns about Kant's project. Fichte's claim that Kant failed to justify his presumption of the faculty of practical reason mirrors Reinhold's concern that Kant has not demonstrated the actual existence of the faculties he ascribes to the mind. Both refer implicitly to a lacking of methodological clarity on Kant's part, and consequently, a lack of proof for the claims Kant makes about human consciousness.

This shared concern leads to other similarities in the way they address this problem. Fichte carries on Reinhold's conception of philosophy as primarily concerned with human consciousness, and abides by his claim that philosophy must begin with an absolutely self-evident starting point into order to avoid merely making psychological claims about the human mind. Fichte also takes up Reinhold's general method for attempting to prove the existence of a faculty of practical reason; grounding representation in a practical faculty of desire, rather than attempting to understand desire in terms of theoretical reason. Finally, Fichte inherits Reinhold's project of explicating Kant's 'I think' that must be able to accompany all of our representations.

Thus, throughout what is known as his 'Jena period', Fichte asserts that he offers a systematic explanation of the foundations of experience.[9] Reinhold's task was to

[9] Fichte was employed by the University of Jena from 1794-1799. In 1798, Fichte published two essays, and an anonymous person to wrote to the University demanding Fichte's resignation due to the perceived atheism implicit in these essays. These incendiary charges of atheism, the flames of which were fanned by an infamous open letter to Fichte from Jacobi, led to

systematically ground Kant's claims about human consciousness and freedom in a single principle from which all other claims could be derived. Fichte undertakes his project with many of the same views about what such a task would look like, and he was in agreement with Reinhold that Kant's philosophy was insufficient until such an account could be provided.

Attention to system is most apparent in the *Grundlage*, in which Fichte attempts to derive his proposed philosophical system from a set of self-evident principles. Even at this early stage, his method is not as straightforward as outlining certain principles of logical movement or 'thinking qua thinking', a philosophical method that Reinhold himself temporarily advocated.[10] Later, in the *nova methodo,* Fichte moves further away from a philosophy presented as a logical deduction from a set of principles. In this text, he begins with a philosophical exercise that is supposed to reveal the same familiar ideas to the reader- asking them to "think of any object at all - the wall, for example, or the stove."[11]

One is correct to identify this as a proto-phenomenological method. The claims in Fichte's system are grounded not in rote logical moves; they appeal to a descriptive endeavor on part of both Fichte and the reader. As such, Fichte frequently uses the

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Fichte's resignation in 1799 and forced him to flee to Berlin, where he carried out the remainder of his philosophical career.
Fichte's post-Jena writings are notoriously different from Fichte's entire project at Jena, a fact which is especially relevant to those skeptical of the unity of what Fichte wrote over his years at Jena. Though Fichte claimed that the Wissenschaftslehre produced during his time at Jena was revealing of the same philosophical truths, presented differently, comparing the *Nova methodo* to the *Grundlage* reveals what can appear to be substantive differences. In this project, I take Fichte at his word, pointing out changes in position only when glaring and relevant.

[10] Later post-Kantians - Friedrich Schelling in particular - take up Fichte's project in just this way. Schelling's purely formal transcendental account is directly influenced by Fichte's work.

[11] Fichte, J.G. *Wissenschaftslehre nova methodo*, trans. Daniel Breazeale. (1796/99, reprint Cornell 1998), 110 (Hereafter: WLnm)

reader's own exercise of his philosophical investigations in order to substantiate its results. A similar approach is found in *The System of Ethics*. In all of his work, the I is where the foundational unity of his philosophical system is found.[12] The necessary structure of I-hood accounts for the unity of reason, and the unity of the I is transcendentally necessary for consciousness. Fichte's revised method in the *nova methodo* and *The System of Ethics* emphasizes that this unity is something that individuals can, and *ought*, to investigate via a series of reflective steps.

1.2 The Existence of Practical Reason

Returning to the criticisms of Kant that motivated Fichte's work, the influence of Reinhold's can again be seen in Fichte's earliest writings. One of Fichte's strongest criticisms is the assertion that Kant never adequately demonstrated that practical reason can have real efficacy in the world. Fichte discusses this criticism at length in two early reviews written of fellow post-Kantians. Within this criticism are two closely related issues, each of them noteworthy because they influence Fichte's understanding of transcendental I-hood. To get a clearer understanding of exactly what Fichte was charging

[12] See Breazeale, Daniel. "The Spirit of the Early Wissenschaftslehre" in *Thinking Through the Wissenschaftslehre.* (Oxford University Press 2013), 125:

"*The theoretical quest that animates the Wissenschaftslehre, that is, the quest for a coherent and self-evident philosophical system capable of providing a fully adequate, transcendental account of the fundamental features and laws governing the entire range of everyday experience (including one's "practical" certainty of one's own freedom and moral responsibilities, as well as one's 'theoretical' cognition of an objectively real external world and one's 'practical/theoretical' recognition of other finite subjects) is not conceived of by Fichte simply as an end in itself, as an example, perhaps, of 'knowledge for its own sake.' Instead, he understood his scientific project as response to a deeper and fundamentally practical need - a demand not for theoretical certainty or even for practical conviction, but rather, for personal unity or wholeness."*

in claiming that Kant had not shown that practical reason can determine actions in the material world, I look at each of these issues independently.

First, Fichte demands proof of the actual existence of a faculty of practical reason. In Fichte's published 1793 review of Friedrich Gebhard's book "*On Ethical Goodness as Disinterested Benevolence*," Fichte writes an unfavorable review of Gebhard's book that focuses partially on Gebhard's attempt to refute benevolence-based systems of ethics, like that of Adam Smith.[13] Gebhard's refutation, Fichte argues, falls into the same error that Kant is guilty of - assuming that reason can act free from external incentive. Furthermore, neither offers a clear account of what such an act of reason would look like, if it exists. Fichte states plainly "It must be proven that reason is practical."[14] This is because, he says, "…it is not a fact that reason is practical, nor that it has the power to produce the feeling of what is right."[15]

Frederick Neuhouser details this problem in *Fichte's Theory of Subjectivity*, concluding; "In the absence of a proof that the moral feeling within us derives from practical reason, Critical Philosophy cannot conclusively establish the real possibility of human autonomy."[16] This correctly identifies Fichte's rejection of Kant's fact of reason as an adequate justification of the reality of practical reason. And it captures the connection between a satisfactory account of practical reason and the possibility of autonomy. What

[13] Fichte J, G.: Review of Freidrich Heinrich Gebhard, *On Ethical Goodness as Disinterested Benevolence* (Gotha: Ettinger, 1792). trans. D.Breazeale. (The Philosophical Forum 2001) 32: 297–310. (Hereafter: Gebhard)

[14] Gebhard, 305.

[15] Ibid, 303.

[16] Neuhouser, Frederick. *Fichte's Theory of Subjectivity. (*Cambridge University Press 1990), 26

Fichte argues is that as Kant's work stands, the idea that reason itself can motivate action must simply be assumed in order for Kant's practical philosophy to get off the ground. Fichte thinks that this must not merely be assumed. In order to prove that practical reason can have motivational force, Fichte suggests that transcendental idealism must show that theoretical reason, which creates concepts that shape experience, is fundamentally unified with a faculty of practical reason that shapes experience via its deliberations about how to act. Such an account would, on the one hand, offer a philosophical argument for the existence of reason's practical capacity, and on the other, it would articulate precisely how reason functions in the practical realm.

This second task, articulating how reason functions practically, is of course closely tied to fundamental questions about the possibility of human freedom. Fichte identifies a danger in Kant's division of the noumenal and the phenomenal realm that brings this connection to light. The danger is that in the sort of phenomenal world Kant describes in the *Critique of Pure Reason*, it is difficult to understand how noumenal freedom can lead to phenomenal acts - a crucial connection in Kant's practical philosophy. Because the phenomenal world is the realm of natural law, it is difficult to see how practical reason can exert itself in any way other than according to these causal, and thus un-free, laws of the phenomenal world. But the ability of freedom to exert itself through human action is, of course, crucial to Kant's practical philosophy. Without the ability of practical reason to freely motivate acts in the world, Kant's ethics of autonomy lacks the ability to make demands upon the individual acting in the world. Practical reason must be free, and it must be able to exert itself in a phenomenal world bound by laws. Otherwise, autonomous action is inexplicable.

Fichte is incredibly clear about this in his review of Leonard Creuzer's "*Skeptical Reflections on the Freedom of the Will, with Reference to the Latest Theories of the Same.*" In this review, Fichte is primarily concerned with the account of *wille* and *wilkur* offered by Kant and taken up by Reinhold. But it is clear that Fichte was struggling here to make sense of precisely how reason could exert itself in the world, and what philosophical license Kant has to make such a claim. He writes:

> What is incomprehensible is not how a 'thing in itself,' which is independent of the laws of natural causality, could determine itself, nor that an appearance within the sensible world must necessarily have its ground in a preceding appearance; instead, what is incomprehensible is how both of these objects [viz., thing in itself and appearance], which are completely independent of each other, could nevertheless be in harmony with each other.[17]

The issue here can be described in terms of the Principle of Sufficient Reason (PSR). In the First Critique, Kant's phenomenal world is bound by natural laws, and the PSR is the "grounds for all possible experience."[18] But the noumenal - the origin of the moral law and our freedom - is not. Kant builds his philosophy upon this notion; the world we experience is governed by law, and yet we, as human beings, possess a freedom that originates elsewhere. The noumenal-phenomenal distinction is important because it allows Kant to assert that we act freely within a phenomenal world governed by law. It is through this distinction that Kant affirms the PSR while maintaining human freedom.

Neuhouser summarizes Fichte's criticism this way:

> If morality is to have a place in the empirical world, then it must be possible to conceive of human actions within that world as free, or uncaused. Yet Kant's argument in the first half

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[17] Fichte, J.G.. Review of Leonhard Creuzer, *Skeptical Reflections on the Freedom of the Will* (1793). trans. D. Breazeale. (The Philosophical Forum 2001), 32: 289–296. (Hereafter: Creuzer)

[18] Kant, Immanuel. *Critique of Pure Reason.* B246.

> of the first Critique for the universal validity of the causal law in the realm of nature seems to rule out the possibility of an uncaused event within that realm.[19]

The account Fichte seeks, then, is one of how the world of nature can appear as it does – causally determined and law-governed - while still accommodating the notion of a human act that is free. Such a free act must exist within the world of nature while still being undetermined by the laws of nature. It must be possible for the freedom of the human to have efficacy in the world; for an individual's practical reason to begin a new series of actions within the phenomenal world.

Fichte's answer to this problem is partially identical to Kant's: practical reason must possess a unique sort of causality. This causality must be entailed within its own structure. Practical reason must 'cause itself'.

But, in Fichte's view, this conception is incomplete. Fichte's claim is not that Kant fails to show how human freedom, through the use of practical reason, could be possible in the world of nature. Rather, it is that he fails to show that the practical reason he describes is actually found there.

This problem of the possibility of free action is in part a concern about the coherence of the transcendental subject. Neuhouser, again, sets up problem this nicely:

> [Fichte] is also concerned with the implications of applying such a distinction to the practical subject itself. Does the radical distinction between appearances and things in themselves leave room for any kind of connection between the nominal and empirical selves which could make moral action a coherent possibility?[20]

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[19] *Fichte's Theory of Subjectivity*, 19.

[20] Ibid.

In the Creuzer review, Fichte identifies this philosophical problem without offering a solution. One can see the way in which Fichte's Jena-era work is shaped by these early interests. More importantly, one can see clearly Fichte's interpretation of Kant. Fichte writes:

> Incidentally, it seems to this reviewer that this is also Kant's true opinion on the matter, and that the assertion, which is found in many passages in his writings, that freedom must possess causality within the sense world is put forward in only a preliminary manner, pending closer determination of the proposition in question. The evidence for this is to be found in Kant's distinction between an empirical and intelligible character of human beings, as well as in his claim that no one can know the true level of his own morality (which is based upon his uncognizable intelligible character), and in the fact that he asserts that purposiveness is the principle of the reflective power of judgment, which connects both legislations (the possibility of which can be comprehended only with reference to a higher, third type of legislation.)[21]

The unsurpassable division within the Kantian subject indicates, for Fichte, that Kant was ultimately unable to unify freedom with the phenomenal world.

The most obvious consequence of this problem is how exactly to construe the causality of practical reason within the acting subject. What about human agency allows it to translate between the demands of reason and a particular embodied action within the world of nature? What account can be offered for practical reason's actual ability to enact its demands in the world, to be the sole motivator of action? Exactly how does reason apply itself to practical questions, and when it does so, what makes this process free?

It is through our practical reason that we, as noumenal agents, bring our freedom to bear in the material world. Thus, practical reason must be able to cause action without appeal to natural law. It motivates action freely, which means that it must be exempt from

[21] Creuzer, 295.

the PSR, under which each action is explainable on the basis of another. If practical reason cannot be shown to function differently, then it cannot be said to be free.

In this final quote from the Creuzer review, Fichte telegraphs the solution to this problem, which he develops in future work. It is clear even here that Fichte understands self-activity; that is, freedom, to involve a special kind of efficacy, one resulting from its status as completely unified, simple, and isolated.

> …the principle of sufficient reason can by no means be applied to the act of determining absolute self-activity though itself (I.e., to the act of willing) for this is a unified [Eine], simple, and completely isolated action. In this case, the act of determining is itself, at the same time, the process of becoming determined, and the determining subject is what becomes determined.[22]

1.3 The I's Experience of Its Absolute Activity

It is to this Fichtean solution to which we now turn. Fichte's answer to the issues outlined above is built upon his principle that the 'I posits itself absolutely'. This is meant to capture the original simplicity of the I and in that, the unity of theoretical and practical reason. By making the I in itself the object of his philosophy, Fichte argues that he can give systematic form to the kinds of transcendental claims found in Kant's critical philosophy. In doing so, he will offer an account of how practical reason must be able to engage itself in the world in just the way stipulated by Kant but never detailed. What follows is a look at the nature and role of the I's 'absolute self-positing'.

Like Kant's 'I think' that must be able to accompany all representations, we must distinguish Fichte's self-positing I from its immediate Cartesian connotations. It does, like Descartes' 'I think, therefore, I am', serve as the starting point for his philosophical

[22] Ibid, 294.

deduction. However, like Kant's 'I-think', it grants the I no substantial status. Pinning down exactly what sort of status Fichte's self-positing I *does* have is a tricky task. It is clear that it this 'I' has the form of an activity. But figuring out what sort of activity this is requires delving in to the many ways Fichte makes use of this concept throughout his work.

In the *nova methodo,* it seems that this activity is simply the I turning its consciousness back on itself. In my reading, this passage from §1 suggests this sort of identity between the absolute self-positing of the I, and the self-reverting act of becoming conscious of the I.

> Accordingly, the concept of the I comes into being only be means of a self-reverting activity; and conversely, the only concept that comes into being by means of such an activity is the concept of the I. By observing oneself while engaged in this activity, one becomes immediately conscious of it; i.e., *one posits oneself as self-positing*. As the sole immediate form of consciousness, this immediate consciousness of oneself must be presupposed in the explanation of all other possible varieties of consciousness. It is called the original intuition of the I. (The word 'intuition' is here employed in both the subjective and the objective sense. For intuition can mean two different things; a) it can refer to the intuition which the I has, in which case the I is the subject, the intuition subject; or b) it can refer to that intuition which is directed at the I, in which case the intuition is objective, and the I is the intuited object.)[23]

Here, Fichte calls the self-positing I an intuition, and claims that he means both that it is the I subjectively considering itself, and the I being considered as an object. This reading suggests that it does this via an immediate, 'original intuition' that indicates to the I that it (the I) is just this self-reverting activity. The absolutely self-positing I, then, would be both a product and an object of the I reflecting on itself. Furthermore, Fichte implies here that when 'one posits oneself as self-positing', this entails the I engaging in an activity and then "immediately becoming conscious of it." The self-positing I, that unified form

[23] WLnm, 65-6.

and content that allows Fichte to claim the unity of reason, in this passage, seems to be identical to the self-reverting act that makes one aware of the self-positing.

Following this train of thought, in §2 Fichte begins describing the nature of the I's relationship to the not-I. He makes a notable remark:

> When this very activity of reflection, through which the intellect posits itself, is intuited, it is intuited as a self-determining agility; and this agility is intuited as a movement of transition from a state of passive repose and indeterminacy, which is nevertheless determinable, to one of determinacy.[24]

It is the activity of reflection that is intuited as self-determining agility, and this agility constitutes the transition from a state of indeterminacy to one of determinacy. When the I considers itself reflecting upon itself, this passage suggests that it intuits a specific feature about the I that *is* its activity of reflecting. This activity of reflecting, when the I engages in it, is intuited as an 'agility' that can transition the I from passivity to activity. In other words, the act of reflection is intuited as the power to determine oneself. This 'transition' is an act of freedom.

In the following paragraph, Fichte emphasizes that this transition, that is, this free activity, 'possesses its foundation utterly within itself' thus iterating the self-sufficiency of the act of reflection. But the rest of the paragraph complicates matters. He continues:

> The action involved in this transition is called *real activity* and is opposed to that *ideal* activity which merely copies the former, and the overall activity of the I is thereby divided between these two types of activity.
> Real and ideal activity mutually condition each other. Neither is possible without the other, nor can one comprehend what either of them is without also comprehending the other. In this act of freedom the I itself becomes objective. An *actual consciousness* comes into being, and from now on anything that is to be an object of consciousness at all must be connected to this starting point. *Freedom* is therefore the ultimate ground and the first condition of all being and of all consciousness.[25]

[24] Ibid, 67.

[25] Ibid, 67-8.

In saying that an act of freedom makes the I objective, Fichte emphasizes the already apparent point – that the I, by turning its consciousness inward, acts freely, and that this initial act of freedom is precisely how the I must become objective. But the distinction between 'ideal' and 'real' activity foretells the unique nature that Fichte sometimes ascribes to the 'absolute' activity of self-positing. It is, at times, apparently viewable via reflection; at other times, and especially in *The System of Ethics*, this absolute activity is only deduced via philosophy. Even then, as Fichte begins to call this absolute aspect of the I the 'pure drive' in *The System of Ethics*, this absolute activity seems to move further out of view; it is not experienced in moral deliberation in its absolute form at all.

This makes particular aspects of *The System of Ethics* difficult to reconcile with the account in the *nova methodo,* despite their overwhelming cohesiveness.[26] The act of self-positing represents an absolute and infinite drive to become completely self-

[26] The similarities and differences in these texts are notable because they were written around the same time. Precision about this is difficult, however, because the *nova methodo* is the product of two student transcriptions of Fichte's lectures given at Jena between 1796-99. *The System of Ethics* was published in 1798 and written shortly prior. Fichte's lectures from 96-99 were the result of a years-long project of revising the *Wissenschaftslehre*, and canonically, the text represents the last version of Fichte's thought during this time. (Subsequent versions of his *Wissenschaftslehre,* written after Fichte left Jena for Berlin, represent a significant and undeniable shift in Fichte's philosophical beliefs.) But the nature of the text – not Fichte's own writing, but rather, a student copy of what Fichte said in lectures, has left some details unknown. For one, it is unclear which semester each student took Fichte's course, although a comparison of their transcriptions does suggest they each took it during different semesters. Because we do not know when each student wrote their transcription, we cannot say with specificity whether the iteration of Fichte's thought in the *nova methodo* represents his though in the years during or immediately after his writing on *The System of Ethics*.

What is more clear, though, is that Fichte's work in the *nova methodo* had been ruminating for quite some time, certainly predating the transcribed lectures. Furthermore, the striking similarity between these texts suggests that, given the assumption that they were in fact, transcribed in different semesters, there was some stability in Fichte's thought at this time. The general similarity between *The System of Ethics* and the *nova methodo* further indicates that these represent components of a coherent philosophical project, and that Fichte was aware of both of these components as each of them were developed and codified.

sufficient. The act itself grounds theoretical and practical reason as an activity that seeks freedom through both knowing and acting in the material world. An initial act of reflection, it seems, could make the I immediately aware of this self-positing activity, or perhaps reveal its presence through philosophical investigation. But it is difficult to conceive of how the I, by the very act of reflecting upon itself, creates, or instantiates, this absolute activity. The nature of consciousness, which for Fichte requires self-consciousness, further confounds this. Does consciousness require an act of reflection on part of ordinary consciousness?

For now, the status of the self-positing remains tenuous. There is more preparatory work to be done concerning the role that the self-positing I was meant to play in Fichte's overall project. Fichte aims to accomplish his early intention of deducing the unity of practical and theoretical reason by grounding them both in the same basic activity. In a short text written to introduce students to his project, named *Concerning the Concept of the Wissenschaftslehre,* Fichte argues that the fundamental feature of a rigorous science, and thus a rigorous philosophy, is that it is unified.[27] By this he means that not only must its basic postulates stand coherently alongside one another. In a complete scientific system, these postulates can all be shown to follow from a single basic starting position. The I's self-positing activity serves this role. As mentioned above, although Fichte eventually abandons the project of crafting a philosophy derived strictly from first principles in favor of one that invokes a method of philosophical reflection, the importance of the self-positing I as a foundation for his work persists.

[27] Fichte, J.G. "Concerning the Concept of The Wissenschaftslehre*"* in *Early Philosophical Writings* trans. D. Breazeale. (Cornell University Press 1988) (Hereafter: CCW)

In this text, Fichte describes two hypothetical systems of 'knowledge.' The first is a system built from a groundless first principle that "there are in the air creatures with human desires, passions, and concepts, but with ethereal bodies."[28] Fichte says we can imagine and it would be entirely possible to build a systematic natural history of these spirits – a system of propositions that are coherent and unified by this first premise of the existence of air creatures. These propositions, though they logically followed from a single principle, would, of course, be false, due to the falsity of their first principle.

The second 'system of knowledge' Fichte describes is not truly a system at all, but rather the knowledge of an individual, who knows that a pillar erected perpendicular to a horizontal surface, will "never incline toward either side."[29] The individual knows this is a fact, however, he himself cannot provide a systematic demonstration of this fact. He is unaware of the precise mathematical principles that make his knowledge of the nature of perpendicularity true.

Fichte thinks it is clear that in the latter example we would say that the individual has 'knowledge' of his assertion, though he lacks an ability to explicate the unified principle upon which his claim rests. In the former, although a 'systematic form' is present, a claim about these air creatures would not be called knowledge. Taking this analysis of the two hypotheticals as given, Fichte concludes: "Thus, systematic form seems to be something merely incidental to science – not its aim, but merely the means to this aim."[30] Fichte explains here that the proposition about the perpendicular pillar made

[28] CCW, 101.

[29] Ibid.

[30] Ibid, 102.

by the individual is indeed supported by a systematic form, despite the individuals lack of awareness of it. Thus, in both cases, systematic form exists, however, in the case of the 'air creatures,' we do not designate its propositions 'knowledge.'

The difference, explains Fichte, lies in the content of each proposition. The content of our knowledge, defined by Fichte, is "that about which one knows something."[31] (Form is defined in the same passage as "that which one knows about this something.") Fichte explains that we do not call claims about air creatures knowledge because their content – air creatures – is not of a knowable character to us. Claims about air creatures are simply not claims that could be known, because they refer to something unknowable – something of which we have no experience. The content of the claim about a pillar erected straight into the air, however, is knowable to us, thus it is called knowledge despite the incomplete system the individual has to support his claim. Systematic unification, while not sufficient for scientific knowledge, gives our propositions a form that is required for the claims to be scientific and raised to the level of knowledge. What must accompany this knowable form, Fichte asserts, is knowable content.

When Fichte discusses his *Wissenschaftslehre* in light of this form/content distinction, he says:

> …the initial proposition of the entire Wissenschaftslehre must have both content and form. Since this proposition is supposed to be certain immediately and through itself, this can only mean that its content determines its form and its form determines its content. -- The form of the absolute first principle of the Wissenschaftslehre is, there, not only furnished by this principle itself, it is also put forward as absolutely valid for the content of this proposition.[32]

[31] Ibid, 109.

[32] Ibid.

As Fichte suggests, the starting point of the 'I itself', which is the content of the first principle, determines the form this principle must take – an active self-positing. This completely self-determined nature of the self-positing I gives it the ability to act as a first principle – an unconditioned ground from which a transcendental system can be built. For Fichte, if philosophy is to be raised to the level of science, it must not only take on a knowable form - it must also begin with knowable content. The I is knowable content because of its form, as an act of reflection that becomes self-evident. The form of the act gives it content that, once a moment of reflection has commenced, becomes knowable.

1.4 A Dangerous Equivocation as Fichte Introduces 'Striving'

This overview of the general path of Fichte's line of thought reveals the importance of the ideas of self-determination and reflection in Fichte works. It is only because the I can determine its own choice (through the activity of positing itself), that Fichte can claim it as a unity of form and content. And it is the uniquely reflexive nature of this act of positing that marks it as unified in this way.

There is another way that the self-positing activity of the I unifies Fichte's work. We have seen that the self-positing of the I is supposed to better explain the Kantian 'I think'. Like the transcendental unity of apperception, all consciousness must be accompanied by the I's activity of positing itself. Fichte spends considerable time in his early iterations of the *Wissenschaftslehre* arguing that all consciousness relies upon the existence of this activity. But Fichte claims that this same activity of self-positing accounts for not only the 'I think' of Kant's theoretical philosophy, but our practical

engagement in the world as well. The I positing itself, as an activity, becomes a striving for self-sufficiency through material actions in Fichte's practical work. Thus, it is the basic activity of the I that grounds the possibility of practical freedom, the systemic rigor of Fichte's work, and the unity of consciousness.

In the *Grundlage*, Fichte works tediously to demonstrate this unity. Here, I rehearse only briefly his work. I do in order to make clear a difficulty in Fichte's conception of the activity of the I that I believe remains throughout his work. This difficulty is at least partially reconciled by Fichte's more mature philosophy of *The System of Ethics* and the *nova methodo.* But the issue remains even there, and in this project I offer a reading of these later texts that tries to allay these concerns.

The *Grundlage* begins with the now-familiar 'first principle' that the I posits itself absolutely. What this claim amounts to is a foundational fact about the nature of the I. When one considers the self, one experiences the self as a willing activity that is free of all external constraint; free to will oneself upon the world. Once aware of its foundational activity of self-positing, the I sees itself as complete, self-determined, infinite. This recognition, remember, is a discovery made via reflection upon empirical claims about our world. Any claim to object-knowledge, it turns out, requires this absolute self-activity of the I. Thus, the I concludes, it is the I that is absolute in its reign over all experience.

But, in the *Grundlage's* terminology, there is an equally foundational 'second principle' that is revealed to be necessary for I-hood, a principle which contradicts the first. This contradictory fact is that the I, though it experiences itself as absolute, is fundamentally limited by a 'not-I' - something that the I does not create or have control

over. Though Fichte will eventually use this limitedness to inform an analysis of embodied experience, at this point Fichte is speaking in strictly abstract terms.

Fichte's concept of the *Anstoss,* or 'check', captures our `experience of this not-I. The not-I pushes back against our claim to absoluteness. But this leads to a tension – how can the experience the I has of itself as absolute be reconciled with the fact that it is *not* absolute? In other words, two contradictory yet equally necessary claims have been posited as necessary. On the one hand, the I posits itself as absolute willing when it reflects upon itself. But on the other hand, the I also posits itself *not* as absolute, but rather as bound by something other than itself. Both of these claims are necessary for conscious experience; constitutive of what it means to be an I.

This tension leads Fichte to introduce the notion of 'striving', which connects the transcendental features of the I that are required for consciousness with a practical directive. Striving, Fichte explains, is process of becoming what the I takes itself to be – purely and absolutely free. Because the I posits itself as absolute, it contains within it what will become a moral demand to become self-sufficient in the world. Fichte argues that our practical acting in the world is a way of enacting our freedom, in order to strive for the ideal of being absolutely free. The moral law, of course, is precisely how this ideal is enacted.

The account of this progression offered in the *Grundlage* is an answer to the issues described at the outset of this chapter. The self-positing activity of the I is meant to unify the I under a single, fundamental '*tathandlung*' – that is, a feature of the I that is simultaneously a fact about *and* an act of, the I. The absolute self-positing of the I unifies it around an activity which is constitutive of the self altogether. This self-referential

notion of the I, which Fichte sometimes calls 'circular', grounds the I in the very activity of considering the I.

Fichte's account here is also an attempt to unify theoretical and practical reason by suggesting that they are both products of this single activity of the I. The I must, in order to be conscious of the objective world, be conscious of itself as an I. But this unification goes even further, because for Fichte, theoretical knowledge of the world is rooted in the same practical 'striving' that the moral law concerns. That is to say, Fichte argues that we would not be conscious of the world around us without a fundamentally practical investment in being so. This practical investment is, of course, our striving to become absolutely self-sufficient.

The importance of this unity for Fichte cannot be overstated. But the success of Fichte's argument is uncertain. What is certain is that the argument relies on a precise conception of how this 'absolute activity' of the I is to be understood. Here, I review one criticism of Fichte's argument, again by Frederick Neuhouser. Neuhouser charges that Fichte's unification of reason relies upon an equivocation of meaning about the activity of self-positing. He ultimately concludes that Fichte was unsuccessful in his task, suggesting that the value of Fichte's work lies primarily in its influence over subsequent German thought. It is my claim that Fichte's work on the unity of reason can be salvaged with appropriate attention to *The System of Ethics,* which Neuhouser himself gave little attention. But the ambiguity about this issue remains, which is why I find it instructive to trace this criticism here.

Neuhouser's reading suggests that an equivocation is what allows Fichte to complete his unification of theoretical and practical reason as well as his argument for the

real existence of practical freedom. And in one sense, it does appear that Fichte relies upon two different concepts of the activity of the I in order to make his argument work. The problem arises when Fichte introduces the concept of practical action as a way of working toward self-sufficiency. As we have seen, unifying Kant's work under a single system of both practical and theoretical reason was of central importance to Fichte throughout his career. To do this, Fichte argues that both theoretical reason and practical reason are instantiations of the same fundamental 'fact/act' of the I – it's absolute self-positing. This activity grounds cognition and also leads to reason applying itself in the world.

In Fichte's own assessment, the self-positing activity of the I is roughly analogous to Kant's Transcendental Unity of Apperception - a self-awareness that is required for any further consciousness to take place. This is a theoretical claim about the transcendental subject; the I must, in order for object-consciousness to manifest, be conscious of its own absolute activity.

Fichte's concern for unity in Kant's system leads him to explain the faculty of practical reason in terms of this same theoretical fact. His argument concludes that the transcendental subject is not only a knower of objects, but also a moral actor in the world, and both of these features are necessary products from the same original absolute activity.

Thus, the act of the I positing itself is the ground for knowledge of the external world, and the faculty of practical deliberation. Fichte asserts the real existence of the faculty of practical reason by suggesting that the essential nature of the I is an activity, and that this activity demands action in the world. Thus, the fundamental feature of the I -

its absolute self-positing, makes practical demands, and through this a faculty of deliberative practical reason arises within the I.

Fichte also asserts that practical reason exists because the I strives to overcome a contradiction central to its being. It is both absolutely free and necessarily constrained, and this reality is what leads to another central feature of the I - its striving toward absolute freedom in the world. This is where the equivocation becomes apparent. On the one hand, the I experiences itself as necessarily absolute – a pure, free activity. This is the basis of consciousness – the self-consciousness of oneself as an I that is, in its truest form, absolutely free. However, once Fichte introduces the idea of striving toward absolute self-activity, the nature of this activity seems to change. It is no longer an absolute truth, but rather something toward which the I strives. The claim that creates a contradiction becomes an unreachable ideal the I must approximate. Thus, it appears that the I posits itself as absolutely free, and yet it is not; it is necessarily limited by an altogether external not-I. This may ground a practical maxim, but it calls Fichte's use of the activity of the I to ground all theoretical knowledge into question, because surely the I must *actually* have the qualities deemed transcendentally necessary for consciousness.

To reconcile his accounts of the absolute self-positing I, Fichte introduces the idea that the I is absolute in its *goal* of absolute self-activity; the goal approximated through moral activity in the world. But this seems significantly different than the initial truth of the I as absolutely free activity; the truth that generates a contradiction in need of overcoming in the first place. In the words of Neuhouser;

> In adopting the practical version of his first principle, Fichte necessarily surrenders the certainty of that principle and thereby dissolves the very foundation upon which the truth of his system, including its proof of practical reason, was to be based.[33]

1.5 Fichte's New Approach in *The System of Ethics*

How then, are we to understand the central truth of Fichte's system - that the I posits itself absolutely? For an answer to this question, I turn to *The System of Ethics'* first chapter, titled "Deduction of the Principle of Morality." *The System of* Ethics bypasses many of the central issues that motivated Fichte's early writing; he is concerned in this text with the I's practical engagement, not the I's capacity for objective knowledge. However, I think the way Fichte takes up his project here, specifically the weight he gives to the 'activity' of the self-positing I, has much to offer our previous questions about the I's 'absolute' status. A project that seeks to understand the relationship between self-sufficiency the experience of being an I simply must settle upon an interpretation of Fichte's claim that the I is absolute. Here I explore the way I think *The System of Ethics* addresses the concerns about practical efficacy and unity that motivated Fichte's early work. This is done in order to better understand these issues for their own sake, but also in order to provide a foundation for the remainder of this project.

My claim here is that by understanding the absolutely self-positing I as Fichte presents it in *The System of Ethics* – as the very act of self-reflecting that creates an I for itself -- one can make better sense of the philosophical project that seemed to fall short in the *Grundlage*. I do not argue that the *Grundlage's* project ought to be deemed a

[33] *Fichte's Theory of Subjectivity*, 53.

philosophical success. Nor do I suggest that this is construal of the self-positing I is a significant change from what Fichte intends by his 'first principle' in the *Grundlage*. Rather than engage in such a textual comparison, I use the problems identified in Fichte's *Grundlage* project in order to motivate my reading of *The System of Ethics*. This reading is especially tuned to the issues described above: the practical efficacy of reason, the unity of the I, and the nature of the I's absolute status. These issues all center on the nature of the sort of reflection Fichte attributes to the I in *The System of Ethics,* and specifically, how this act of reflection reveals the essential I to be 'tendency toward self activity' through willing.

We have seen that the activity of self-positing was, for Fichte, unique in the unification of form and content - its form as an activity is precisely what reveals its content - the self-positing I. This resulted in a claim about the I's unity as this self positing. In *The System of Ethics,* the I comes to understand itself in a necessary and particular way, through the act of reflecting on itself. Reading *The System of Ethics* reveals an obvious shift in emphasis on Fichte's part. His work moves away from a theoretical project of deducing everything from a strictly singular principle, and toward the view that philosophy is a task that must be performed in order to be understood. In this text as well as the *nova methodo*, such appeals to the reader abound. But rather than treat this as a complete change in project, I suggest that this is can be seen as in accord with Fichte's original goals.

The *System of Ethics* lacks any appeal to a 'first principle' or the 'not-I'. In place of such language is a transcendental investigation into the concept of I-hood generally.

The text begins with what Fichte calls a 'familiar question': "How can something objective ever become subjective?" Fichte's concern for the question is found throughout his work, and he heralds achieving an answer as *the* task of philosophy. Answering this question requires that the philosopher identifies a 'point' at which the subjective and the objective are "completely one and the same."[34] Fichte says that this 'harmony' between subject and object occurs in two instances. It occurs during cognition, when the subject conforms to the object and knowledge of it results. And it occurs during efficacious activity, when the object conforms to the subject and an act in the material world results. It is the latter case that concerns Fichte in *The System of Ethics.* Ethics, Fichte says, "is the theory of our consciousness of our moral nature in general and of our specific duties in particular."[35]

In investigating the nature of our moral consciousness, Fichte spends ample time investigating the nature of consciousness altogether. It is this to which we will now turn. Fichte notes early on that "consciousness is conditioned by consciousness of myself," a familiar reminder of the necessity of self-consciousness.[36] But in the context of his investigation into harmony between subject and object, he identifies a peculiarity of conscious thought:

> I am required to bring about a separation simply in order to be able to say to myself 'I'; and yet it is only by saying 'I' and only insofar as I say this that such a separation occurs. The unity that is divided – which thus lies at the basis of all consciousness and due to which what is subjective and what is objective in consciousness are immediately posited as one – is absolute = X, and this can in no way appear within consciousness as something simple.[37]

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[34] SE, 7.

[35] Ibid, 25.

[36] Ibid, 13.

[37] Ibid, 11.

In order to conceive of the I, then, a division must occur. This is what Fichte explains in the first few lines of *The System of Ethics*: "*I am conscious of myself only insofar as I distinguish myself, as the one who is conscious, from me, as the object of this consciousness*."[38] The absolute self-positing of the I is just this activity of positing the existence of the I. It is this activity that one discovers when one turns their attention inward, seeking to make the I the object of consciousness. When this is done, Fichte says the reader will recognize that what becomes the object of consciousness is nothing more than the activity of consciousness becoming conscious of something. The 'absolute' quality of the I's absolute self-positing is this feature of being purely an activity. The I is simply "intelligence, reason - or whatever one wishes to call it."[39]

This division will be central to understanding how to make sense of the absolute-ness of self-positing. However, below, I first look at how Fichte makes use of the above observation; that the I is simply intelligence and this is what is 'absolute' about it, to begin to sketch a concept of moral duty.

1.6 The I Finds Itself Only as a Willing

The background above occurs in the introduction to *The System of Ethics*. The first chapter begins immediately with a transcendental investigation into our moral nature as humans. Whereas 'ordinary consciousness' may be content with taking this status for

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[38] Ibid, 7.

[39] Ibid.

granted, the philosopher must demand to know the origin of such a 'compulsion' to act morally. The investigation proceeds to inquire about the nature of I-hood – in particular, what about it necessitates its morally bound status. Fichte then puts forth a 'problem' or a task put to the reader - " To think oneself, merely as oneself, i.e., separated from everything that is not ourselves."[40] Doing so, he says, would illuminate the true nature of the I, and reveal its connection to the concept of morally bound practical activity.

In response to this problem, Fichte responds: "I find myself as myself only as willing."[41] This claim is supposed to reveal a basic fact of consciousness – the truth of what is found through a philosophical investigation. What follows in the text is a detailed look at this claim that walks through how such an investigation unfolds. Fichte divides the statement into its constitutive parts. He begins by asking what is meant by the simple claim that 'I find myself', first focusing on fact that a 'myself' is found - "What does it mean to say 'I find myself?'"[42] To elucidate this, he asks of the reader the same task he asks in the *nova methodo* - "think of the wall in front of you, your desk, or something similar."[43] Fichte says that when this is done, you immediately become aware of a subject to which this object relates. You become aware of *your thinking* of the object. Behind thinking of one thing or another, is the awareness that it relates to you through the act of

[40] The word translated as problem is 'Aufgabe', which the translator addresses in a footnote I include here: "This term could equally well be translated as "task' or "postulate" in the sense in which the latter term is employed in Euclidean geometry: viz. asa summons to engage in a specific act of thinking." (SE, 24)

[41] Ibid, 24.

[42] Ibid.

[43] Ibid.

you thinking of it. But when one thinks of oneself, a different sort of subject-object relation is required. Whereas when one thinks of the wall, the act of thinking involves a differentiation between subject and object (the wall is not the I who thinks it, and I am not the wall), when one thinks of oneself, it is known that on actual differentiation of this sort exists. The subject and the object, when one thinks of oneself, are the same. When I 'find myself', what occurs is an act of thought directed back at the thinker. What results from this reflexive act, Fichte says, is the concept of an 'I'.

The metaphysical status of the Fichtean 'I' is surely not an easily parsed issue, and in this discussion Fichte does not simplify matters. Fichte speaks of a 'substantial I', but he is careful to remark that it is "no object of perception whatsoever." Rather, it "is simply added in thinking to something that has been perceived. I can immediately perceive only what is supposed to be a manifestation of the substance." "I do not, as it were perceive this substance immediately."[44] The I, as has been established, must be present in all consciousness. But, Fichte says, it takes a philosopher to become aware of this 'something' that is "not the act of thinking itself…not consciousness itself."[45] To become conscious of one's "thinking as such" *turns the I into an object.*

Making the I an object in this way requires that the thinker "tacitly supplement this act of thinking with a substrate that is merely thought," though this substrate is only "the form of an object in general." Thus, exploring the concept of thinking requires that

[44] Ibid, 26.

[45] Ibid, 27.

the philosopher presume the object-status of the I. Finally, Fichte notes that this requires that we take 'objective' to imply that the I is something "real."[46]

Therefore, Fichte's I is neither directly experienceable through the senses nor directly experienced through any other means of perception. Instead, it is available to consciousness through its 'manifestations'. The two manifestations Fichte attributes to the I are 'thinking' and 'willing'. He offers a brief argument for why it must be willing that is the manifestation by which we experience the I rather than thinking. 'Thinking' he describes as 'representing, or consciousness as such'. Fichte suggests that this cannot be the manifestation of the I because it lacks an essentially objectivity that willing possesses. Thinking is only objective "insofar as consciousness is directed toward something else." In other words, thinking is only possible when done in relation to something else; it is a faculty that depends on an externality objectivity in order to gain its own. Only willing is "*only objective* and is never itself an act of thinking, but is always only the manifestation of self-activity insofar as the latter is thought."[47] The act of willing, then, is unique in its ability to be such an act independent of anything external. Because of this independence, "only under the condition that I become conscious of willing do I become conscious of myself."[48] In other words, becoming conscious of oneself requires that one recognize oneself specifically as willing, because the act of willing is the uniquely absolute act of the I.

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[46] Ibid, 27-28.

[47] Ibid, 26.

[48] Ibid.

Fichte also argues in this section that the very concept of willing "is not capable of a real definition, not does it require one." Instead, the reader must become aware "within himself" of what willing means. That the I finds itself *as a willing* is a complex claim. Fichte says that the I, in thinking of itself, becomes aware of an act of willing, and then, upon this realization, attaches to this act a willing subject. He is clear here that this is a statement of fact; a phenomenological observation. The self-referential nature of this awareness is also made clear here. Not only, he says, does one become aware of an act of willing, but one becomes aware of the awareness of willing. "To me, this substance that possesses consciousness is the very same as the one that also wills; therefore, I find myself as the willing Me, or, I find myself as willing."[49]

In this way, the I - through an act of self-reflecting - makes itself its object, and this act of reflecting requires that the I be treated as objective. But the I that is reflecting is the subject; not the objective 'I', but the subjective, acting 'I'. This poses a problem for Fichte, because the I he is seeking is supposed to be objective and able to be found free of influence from the subjective *act* of finding. How is one to understand the concept of the I at all, since it must be both subject and object, when Fichte himself has pointed out that the nature of the "original objectivity" of the I is that it "can never become something subjective?"[50]

Fichte suggests that only one way of understanding the I can adequately resolve this tension. The objectivity of the I must be understood *as an acting*. "There would have

[49]Ibid, 26.

[50] Ibid, 28.

to occur an identity of the acting subject and that upon which it acts."[51] The I manifests itself through a "real acting" upon itself; in other words, it becomes an object through the very act of reflecting upon itself. It is this "real determining of oneself through oneself" that *is the I.* This reflecting activity is willing. "Only insofar as I find myself willing, do I find myself, and insofar as I find myself, I necessarily find myself *willing*."[52] The very act of thinking of oneself then, makes the self into something that can be thought, and in order for the self to attain this thinkable status, it must reflect on itself. The I, then, *is* activity; not an object directed thinking, but a willing of self-creation. "The acting in question would therefore have to be a *real* acting upon itself; not a mere intuiting of oneself, as is the case with the ideal activity, but a real determining of oneself through oneself. But only willing is something of this sort."[53] The I, as willing, is 'absolute and primary' and as such "cannot be explained on the basis of any influence of something outside the I."[54]

Again, this absolute quality is not argued for transcendentally, but rather by an appeal to both phenomenological account and practical interest. "It is a fact of consciousness that willing, in the indicated sense of this term, appears as absolute." "…anyone who does not already know this cannot be taught it from outside."[55] And shortly after, "If one nevertheless decides not to explain this appearance [of the will's

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[51] Ibid.

[52] Ibid.

[53] Ibid, 28.

[54] Ibid, 30.

[55] Ibid.

absoluteness] any further and decides to consider it to be absolutely inexplicable…. then this is not because of any theoretical insight, but because of a practical interest."[56] Fichte suggests that this is entirely to be expected, simply because anything truly absolute cannot be explained further. Thus, the act of willing is known simply by personal philosophical reflection, and this act can neither be proven nor philosophical justified from without such a reflection.

1.7 A Note on 'Faith'

This approach preludes a key focus of my project as a whole - this act of reflection and how exactly it offers us knowledge of the I. For the purposes of this chapter, it is important to note the change in approach found here versus earlier treatment of practical reason. In the *nova methodo,* Fichte appeals to 'faith' in order to ground his construction of the I. This approach is clearly different from Fichte's earlier attempts to find a single form of both theoretical and practical reason that would necessitate each of their existences. Gone are appeals to a set of principles, and diminished is the emphasis on self-contained, systematic philosophical form that hallmarked Fichte's early work. In its place is a unique philosophical method that emphasizes the *doing* of the transcendental work of the *Wissenschaftslehre.* The deductive steps that lead Fichte to present the I as self-positing, free, and unified, are meant to be steps that Fichte's students could follow, and the insights ones that they achieved for themselves.

There is an argument to be made for the viability of this approach, at least as it relates to the I. This argument lies in the nature of the sort of reflection Fichte has in

[56] Ibid, 31.

mind. In *The System of Ethics,* Fichte grounds practical reason in an appeal to reflect upon the I. This act, as he has demonstrated, should reveal that the I is a precise sort of will; in other words, an efficacious capacity to bring about change in the material world. The very act of reflection is what builds this conclusion. This is what Fichte means by his claim that no philosophical argument can convince someone who has not considered the question in this way. Such a claim is suspiciously insulated from philosophical attack, but Fichte does not shy away from this fact. This approach to questions about the practical efficacy of reason demands an appeal to one's own reflective experience, and suggests that when the I is thoroughly investigated, one will have no choice but to admit that reason can bring about change in the material world.

There is a moment of 'faith' in the beginning of Fichte's investigation – faith that the I is correct in taking itself to be an absolute tendency; a will. But Fichte says that "It is necessary that our philosophy confess this quite loudly, so that it might thereby finally be relieved of the unreasonable demand that it demonstrate to human beings from outside something they have to create in themselves."[57]

Turning to 'faith' in order to prove the real efficacy of practical reason may seem a frustrating turn, especially in light of the lofty goals Fichte set for himself early on in his career. But in *The System of Ethics*, it is clear that Fichte believes this path to be a product not of a philosophical failing, but of the very nature of what is being investigated. The conclusion is something like this: establishing a logical connection between the reasoned determination to act and the carrying out of said act in the world, in a way that precludes the possibility that such an act was deterministically produced from external powers, is beyond the reach of philosophical argument. The reality of practical reason as

[57] Ibid, 32.

a real capacity of the I must be established differently – not through a deductive argument, but through a reflection upon the nature of the I that appeals phenomenologically to the experience of such a reflection. Thus, Fichte establishes a space for reason's connection to activity by a philosophical approach that is dependent on the very act of doing philosophy. Likewise, it is dependent of the very act of being an I.

Fichte's approach here is indicative of the fact that he viewed philosophy as involving more than merely the 'scientific' goals we have focused on here so far. In addition to the theoretical insights it brings about, Fichte understood his philosophy to achieve certain pragmatic goals. He believed philosophy could bring about a greater understanding of oneself through the sort of investigation we have just seen. He thought it ought to explicate the experience of being free - in part because such an explication is more practically applicable than philosophy that denies our freedom. Fichte understood philosophy to offer those who undertake it knowledge that ultimately assists in their own lives. For Fichte, raising philosophy to the 'level of science' is not a merely academic exercise. It is aimed at enabling progress in his community through practically useless, and existentially illuminating truths.[58]

1.8 *The System of Ethics'* Solution to the Problem of Absolute Activity

What is evident in the approach above is not a merely pragmatic decision, or an approach that turns away from theoretical insight in favor of practical appeal. What

[58] For a thorough assessment of these multiple goals, and their interconnectedness, see Breazeale "The Divided Self and the Tasks of Philosophy" *Thinking Through the Wissenschaftslehre*. (Oxford University Press 2013)

Fichte demonstrates by appealing to one's own doing of philosophy in order to acquire faith in freedom is a theoretical position that transcendental philosophy has no way to arbitrate between starting points of freedom versus those of dogmatism. Fichte's choice of a philosophy of freedom has, he is clear, positive pragmatic consequences. But this is only part of why he begins there. The appeal to individual philosophical exercise is supposed to provide phenomenological evidence of the validity of his position, and although little can be said about the soundness of the claim, Fichte believes its truth will be, to those who engage his ideas seriously, self-evident.

The absolute status of the I is the final issue to which I think *The System of Ethics* can offer a helpful answer. Fichte's ultimate conclusion about the I is this:

> The essential character of the I, through which is distinguishes itself from everything outside of it, consists in a tendency to self-activity for self-activity's sake; and this tendency is what is thought when the I is thought of in and for itself, without any relation to something outside it.[59]

The I as 'tendency to self-activity' is how it 'must necessarily be thought', but as Fichte reminds us, this is only how the I appears when considered as an object. This is not the 'I as such'; in other words, this is only a claim about the metaphysical status of the I insofar as it suggests that such a metaphysical assessment is unreachable. This claim is what results when the I is engaged in reflection upon itself, and the necessity of it emphasizes the way that the activity of considering the I is constitutive of all claims about it.[60] The absolute character of the I lies, not in a claim to complete, uninhibited freedom, which would be false given the necessary not-I we became familiar with above. Nor is this a

[59] SE, 34.

[60] Ibid.

"mere force or a faculty or power," because these things are not, Fichte says, "something actual."[61] (Fichte seems to be suggesting here that a faculty is not typically considered *actual*, but rather attributed to a thing that is actual.) The "absolute tendency toward the absolute" constitutes the real essence of the I – it *is the I*.

This 'absolute tendency' is precisely what posed a problem for Fichte's argument in the *Grundlage*. There, it appeared that absoluteness as a goal could not be reconciled with the I as essentially absolute, and this latter conception was required for Fichte's argument for the necessity self-consciousness. Fichte's description of the absolute self-positing of the I as a 'tendency' in *The System of Ethics* allows us to see how the I can at once strive toward a goal of absolute freedom (self-sufficiency) and be essentially an absolute itself. The crucial feature of Fichte's account is that this absolute freedom *is* the I's real essence – it is the *actual I.* But this I, placed within conscious experience, is not experienced as absolute self-activity, nor is the conscious, embodied I present in the world as a completely self-determined being.

Rather, the I as consciousness experiences itself as something that is seeking to instantiate its real essence within the finite individual who inhabits a material world. It strives to become in the world what it is in its essence. This way understanding the I's absolute-ness may not address the criticisms raised against the *Grundlage* completely, but I think the emphasis in *The System of Ethics* on the nature of this absolute activity as one of self-reflection that is *constitutive of the I itself*, offers crucial insight into what Fichte meant in his use of the term 'absolute'. The I is absolute in its essence because the I is grounded in an absolute act – its own act of positing itself. This absolute character of its own activity leads, in Fichte's practical account, to the conscious I's recognition of this

[61] Ibid, 33-34.

absolute character and subsequently, to its striving to implement this character in the material world. The way to avoid a fatal equivocation, then, is to acknowledge the role of the I's own reflection and recognition in the transition from a claim about the nature of the I, to one about what the I must strive for. The I strives on the basis of what it observes in itself; its own absolute essence. And this essence, crucially, is absolute because it is precisely the act of the I positing itself. The absolute-ness that this I comes to strive for, then, is of a different, material sort.

1.9 Conclusions

In *The System of Ethics*, this is brought out more fully as Fichte differentiates between 'formal' and 'material' freedom, a distinction talked about in detail for the remainder of this project. In making such a distinction, Fichte is able to argue that the I *is* free while also striving for its own freedom – a claim similar in its obscurity to the issue with absolute-ness discussed above.

As such, a parallel problem arises. Fichte's concept of I-hood, especially as he presents it in the early part of the "Systematic Application of the Principle of Morality, Or Ethics in the Narrower Sense" in *The System of Ethics,* seems to be both something all I's have, and something all I's must strive to acquire. What then, we must ask, does it mean to be an I, and what sort of thing is Fichte investigating when he transcendentally investigates I-hood?

My way of understanding the relationship between this essence as absolute activity and the account of I-hood Fichte provides shortly after in *The System of Ethics* is

to view absolute activity as the essential feature of the I – it *is* what the I *is*. Because of the way this I finds itself in the world, a new way of viewing this I becomes possible. This view looks not at the I isolated from its material existence (which was always an artificial distancing anyway), but in light of it. The resulting concept is what Fichte calls 'I-hood'. This concept is fundamentally practical.

My suggestion here is that I-hood, as Fichte describes it, turns out to be a product of the particular way an individual I chooses to implement its essence as absolute activity in the world. As such, I-hood is something that I discuss below as deeply related to one's particular reflective work and the resulting moral choices one makes. Although the absolute character of all I's remains unchanged and is fundamental to consciousness itself, the particular way free individuals choose to carry out this activity is varied, and results in the sort of moral landscape we as human beings find ourselves in.

In Chapter Three, I propose a specific way of using the distinction between formal and material freedom in order to introduce a distinction between what I call 'minimal I-hood' and 'full I-hood'; terms not found in the text but which I think are helpful for parsing Fichte's train of thought. This distinction, I believe, can allow Fichte to coherently argue that being a full I – a completely free, self-determined individual, is something each of us may aspire to be, while at the same time using a more minimal concept of I-hood to ground his transcendental account.

Regarding the absolute activity of the I, however, such a distinction must be avoided – for it renders incoherent the nature of this activity as 'absolute'. The work of the term 'absolute' here is its identification of the self-positing activity as nothing more

than a reflexive investigation of the I that is utterly independent and self-driven. The self-positing I is absolute because it is the I 'in and for itself'. It is the necessary way the I must be construed by the I itself.

Thus, we can conclude with knowledge of this essential character of the I; as an activity that seeks freedom in the world because of the necessary sort of activity it is. It is an activity that is discovered to be precisely the constitutive activity of the I reflecting upon the I. It is absolute in its nature as this sort of self-activity, and this self-activity is the real essence of the I. It is the most minimal, fundamental understanding of what it means to be a conscious entity in the world.

CHAPTER TWO: The Moral Law as 'Necessary Thought'

2.1 Introduction

The absolute activity of the I is central to the transcendental investigation Fichte undertakes. We have explored the capacity of the *Tathandlung* to coherently provide a transcendental basis for practical reason and moral obligation. I have suggested that it is the uniquely *active* aspect of this starting point that may allow it to carry this philosophical weight, and suggested that this is deeply connected to Fichte's invocations of his students to *do* the philosophy for themselves.

But the absolute self-positing of the I represents only part of the complete Fichtean subject. In this chapter, I begin a sketch of the Fichtean individual, who contains in her both the transcendental foundations and structures already deduced and a nature that connects her to the material world. Fichte's fundamental criticisms of Kant; that reason is left un-unified and practical reason specifically is left un-justified, are addressed directly in *The System of Ethics*.

In order to facilitate my eventual discussion of self-sufficiency, this chapter continues to be purely exegetical. I trace Fichte's line of thought from his conclusion at the end of §1 that the I's 'essential character' is the 'tendency to self-activity for self-activity's sake', to the 'principle of morality' found at the end of the 'Deduction of the Principle of Morality." This principle states that the intellect "ought to determine its freedom in accordance with the concept of self-sufficiency, absolutely and without

exception."[62] With this, Fichte has deduced the transcendental link he sought; the connection of an attribute of the I with a rule about how it ought to act.

The focus of this chapter is on the nature of the moral law as a 'necessary thought' within consciousness. The 'necessity' of this thought, again, leads to the same sort of concerns expressed in Chapter One about the nature of the absolute activity of the I. Those fears concerned the 'absolute' quality of this activity, and whether Fichte equivocates on if this absoluteness is something transcendental prior to consciousness at all, or something to *strive* for. In that chapter, I noted that the reflective nature of the self-positing activity gave it its absolute quality. From this, I concluded that the I could be conceived of as absolute in its essence while still striving to be absolute in its finite, material world.

In this chapter, the necessity of the moral law is best understood in terms of its normative demand; it is, I argue, necessary because one *ought* to think it if one wishes to be rational. But this is not made entirely clear within the text, and for this reason, I spend time outlining the precise way Fichte reaches the conclusion he does about the relation of the moral law to the I as 'necessary thought'.

Fichte returns in *The System of Ethics* to a now-familiar issue. "The Deduction of the Reality and Applicability of the Moral Principle" –addresses practical reason's efficacy in the material world – a problem for Fichte, as we saw above, from his earliest writings. He begins by seeking to establish "what kind of reality can pertain to the concept of morality," and posits theorems for transcendental investigation such as "a rational being is equally unable to ascribe to itself a power or freedom without finding in

[62] SE, 60.

itself an actual exercise of this power, that is, an actual act of free willing" and "a rational being cannot find in itself any application of its freedom or its willing without at the same time ascribing to itself an actual causality outside of itself." [63]

What is of consequence for this project as a whole is not this issue of the possibility of practical reason's causal force, which was discussed above in order to elucidate the origins of Fichte's 'first principle'. Fichte's work here contains some of the most revealing passages about the relationship between the subjective and the objective in the I. It is in this chapter that Fichte introduces the notion of drives, and discusses at length our experience of 'nature' within ourselves. We see precisely how Fichte conceives of our own experience of both the moral law and of our selves as moral agents. And he introduces the notion of 'conscience,' one of the most influential components of his ethical system. I present Fichte's work here not in order to tease apart his argument for the efficacy of practical reason, but in order to mine it for information about the Fichtean self.

My account in this chapter emphasizes in particular the origin of the moral law in the self. I highlight he way in which Fichte's account is built upon the self-generated quality of this awareness. That is to say, for Fichte, one does not simply find oneself beholden to it as a rational limit on one's actions, or discover within oneself a sense of duty. The moral law is not an external rule we discover, or even a law we find inexplicably within ourselves. As such, the connection between the moral law and selfhood is closer than what Kant's 'fact of reason' would suggest, if for no other reason than Fichte was explicit about a connection that remains opaque in Kant's work.

[63] SE, §5 and §6, respectively.

This is emphasized in preparation for my thesis in Chapter Four; that reflection upon the moral law *as a feature of selfhood* is a part of the process of Fichtean moral deliberation. Fichte's version of self-sufficiency makes material demands of us by requiring reflection upon our own self-encounter. Making sense of this requires the full picture of Fichte's thought, which includes a nuanced account of drives and the resulting 'feeling of conscience'. For now, I must assert the following without the support of this fleshed out account: in my view, moral deliberation requires, and thus a feeling of conscience depends on, a reflection within ordinary consciousness concerning the way in which the moral law is rooted in the nature of selfhood. While not requiring transcendental reflection or the abstract view of the philosopher, a feeling of conscience *does* require reflective work on part of the individual. Knowledge of what morality demands is the product of this feeling, but it involves a complicated and much discussed process of deliberative thought.

In other words, recognizing the self-referential nature of this law is a necessary part of recognizing its force and acting on it. One might also say that this is the process of bringing about the thought of the moral law within oneself; tracing the steps from I-hood to moral obligation. Fichte's presentation of drives in later parts of *The System of Ethics* gives us good reason to think that we ought to understand his account of moral deliberation as unified with the philosophical abstractions found in part I. When this unity is taken seriously, I will argue that it does in fact suggest that reflective cognition of the self-generated quality of the moral law, *by* the ordinary consciousness, is required for such an individual to have a feeling of conscience. This reflective cognition, while surely not involving an understanding of the absolute I, or the difference between formal and

material freedom, does involve a reflection on selfhood, and on what one's own experience as a self is like.[64]

In this chapter, I focus on Part One of *The System of Ethics* in order to lie out precisely how its work on the nature of I-hood and the origin of the moral law is relevant for the subsequent discussion of conscience. In subsequent chapters, I apply this thesis directly to moral deliberation.

For Fichte, conscience is a 'feeling' that tells us something about ourselves; in other words, it reveals both the moral law and something about the self. Because of this, it plays a central role in my investigation, and my account of it is consequential for this project's overall argument. Furthermore, it is one of the most-studied and controversial parts of Fichte's philosophy. One of my aims here is to demonstrate how it can be made more coherent and appealing as an ethical principle with the right understanding of the role of reflection in this process.

Bridging the gap between the work of Parts One and Two of *The System of Ethics* is a more difficult task than one might expect. This is primarily because Part One contains the transcendental foundations for the concept of conscience employed in Part

[64] One is correct to think that Fichte's work on education and inter-subjectivity is highly relevant here. Most work on Fichte's conscience gives this little attention, preferring to treat the recognition of Fichte's *Foundations of Natural Right* or his controversial comments in *Addresses to a German Nation* as positively distinct concepts, with little direct import for the difficult account of moral deliberation found in *The System of Ethics*.
Furthermore, much of the work done on this account of moral deliberation focuses on Part II of the *System of Ethics,* treating Part I as a rehearsal of Fichte's previous philosophical work. This is a mistake, I think, for what is presented in Part I only affirms the cohesion of the *System of Ethics* with the ideas of those texts mentioned above as well as the rest of Fichte's Jena-era work.
For example, *Addresses to the German Nation*, published in 1808, was written after Fichte's time in Jena and is thus sometimes treated as philosophically distinct from the work published during that time. It is certainly possible that Fichte's views shifted significantly in the decade between his publishing of the System of Ethics and the Addresses. However, I will suggest, along with Breazeale ("From Autonomy to Automata," in *Fichte's Addresses to the German Nation Reconsidered,* SUNY Press, 2016), that there is good reason to think that the Addresses are more cohesive with the System of Ethics than one might initially think.

Two, a concept which does not require transcendental investigation in order to function in an individual. However, Part One also makes frequent claims about the appearance of the products of these transcendental truths within ordinary consciousness – a consciousness *not* in the midst of transcendental philosophy. My goal here is to better understand what impact these claims about the 'necessary' ways the transcendental self appears to the ordinary I has upon the account of moral deliberation found in Part Two.

2.2 Overview of This Chapter: The Moral Law as "Necessary Thought"

One of the features of this study of the Fichtean self and self-reflection is that it enables a better understanding of the notions of evil and moral self-improvement, which are discussed by Fichte in this same 'first section' of *The System of Ethics* and mentioned through this text as well as subsequent later work. In discussions of the possibility of evil, Fichte reveals quite a lot about how he understands subjectivity and practical deliberation, offering in some passages a fairly clear phenomenology of the experience of acting autonomously. It is these passages that I want to investigate, in order to look closely at how Fichte thinks the individual encounters and makes use of the call to self-sufficiency that he sees as central to selfhood. With regard to moral improvement and education, Fichte suggests that moral action results from the process of working to overcome what he calls laziness.

The way Fichte derives the moral law from a necessary thought of the I affords Fichte's project several benefits, not the least of which is a better ability to account for free immoral acts. It also, in my view, offers a phenomenological account of the

experience of moral obligation that has many appealing philosophical aspects. Paramount is the care Fichte takes to offer an *accurate* phenomenology; his focus on the experience of 'ordinary consciousness' focuses his work on the actual experience of living beings. But there is also a case to be made for the role of self-reflection in saving Fichte's 'conscience' from the subjectivist, moral extremism that it has often been accused of. That may seem paradoxical, but this is the argument I take up in the third chapter of this project.

I begin by tracing a key line of argumentation in Fichte's work. In the "Deduction of the Principle of Morality" chapter, Fichte suggests that the moral law is a "necessary thought" of the intellect.[65] What exactly is meant by this phrase is the topic of this chapter, but to put it roughly, Fichte is claiming that anyone who thinks clearly about what they are - that is, about the I itself – will necessarily have the thought of the moral law. Here, I explore in detail the connection between the sort of thing the I is and the moral law that Fichte derives from this. I follow this account exegetically, in order to draw attention to the way that a demand for self-sufficient action in the world is ultimately the product of an I's reflection on its own character.

Then, I look at the sort of philosophizing that gets Fichte to this conclusion. The tendency toward absolute activity for its own sake – the 'essential character' of the I that concludes §1 of part I, was the conclusion of a transcendental deduction. These deductions tell us something 'objective' about the I, something universal. But in §2 and §3, Fichte gives significant attention to reconciling the product of transcendental deduction with what he calls 'ordinary consciousness'. Ordinary consciousness is

[65] SE, 60.

Fichte's term for the I that is not philosophizing, but thinking (as an intellect) and engaging in the practical world. Fichte juxtaposes technical transcendental deductions, like the one traced above, with long sections in which he walks through how ordinary consciousness encounters these transcendental truths.

My thesis in this chapter is that an encounter with the moral law in Fichte's account is best understood as a phenomenologically distinct subjective self-encounter; that is, a sort of self-knowledge that is discovered via self-reflection. I think Fichte's deduction of the principle of morality shows this especially clearly in his discussion of the ordinary consciousness, where he reveals, in my reading, a particular relationship the subjective I has to the moral law. Knowledge of the moral law, in my reading, is experienced as knowledge of oneself, and likewise, moral deliberation is phenomenologically experienced as involving an investigation into the sort of self one is.

I do not take my thesis to be controversial. Rather, my claims here emphasize an aspect of Fichte's work I take to be clear enough. In doing so, I hope to better explain the role of reflection, and in particular, self-reflection, in Fichte's account of moral deliberation. Fichte's ethics has long been accused of radical and problematic subjectivity, and the individual nature of ethical judgments is usually central to this critique. At such, one might think that my thesis is that since Fichte is indeed extreme in his subjectivizing of the moral law, his moral system necessarily has no ability to make moral demands or impute moral judgment. But although I grant that Fichte is far more explicit about the subjective grounding of the moral law than Kant, I do not think his transparency on this matter costs him the normative force of Kant's moral law. Rather, I

think there *is* the capacity for Fichte's moral law to make moral demands as well as remain objective; that is to say, I think that Fichte's specific way of deriving the moral law from a feature of the self allows his ethics to be both subjectively grounded *and* objectively valid. It is this aspect – found in the first part of *The System of Ethics,* that I think deserves renewed attention, and an account that compellingly unifies it with the second part. Fichte's discussion of conscience found in the later parts of *The System of Ethics*, is, I think, better understood by reading into it the rich account of the origin of the moral law found in part one.

2.3 The Knowability of the Moral Law

For Fichte, the moral law is knowable in ordinary consciousness, and the possibility of this is explained by a transcendental investigation of consciousness. I draw out the distinction Fichte uses between transcendental deduction and the reflection of ordinary consciousness in order to look closely the notion of the moral law as a sort of self-encounter, but also to better explore the act of reflection on part of ordinary consciousness that Fichte traces. Here, my focus is on understanding both the transcendental deduction behind Fichte's claims and the way in which he explains the experience of these claims by the non-philosophizing consciousness.

Fichte's work in the *Deduction of the Principle of Morality* found in Part I of *The System of Ethics* demonstrates that the I as subject (i.e., the intellect) *must* think the moral law. In other words, Fichte believes that the nature of consciousness, that is, its form as intellect, entails a specific thought that can be discovered merely by considering this

form. And when Fichte investigates what these necessary thoughts are, he concludes that it is the moral law that is this necessary thought of the intellect. The transcendental necessity of the moral law is certainly important here, but I pay particular attention to the encounter with the moral law that is had by ordinary consciousness.

Two underlying issues pervade this discussion. One has been mentioned above, namely, how the concept of autonomy can both carry normative force and allow for the possibility of free immoral choice. Another concerns the nature of the single, subjective, embodied I. What is the precise relationship between this I – an I like me or you – and the universal features that are derived by Fichte and necessarily present in each of these subjective individuals? This second question is in one respect a question about the concept of 'I'; how does each necessary feature fit together to form a unified whole? But it is also a question about the way the I comes to understand and speak about itself. Does the I experience itself as unified? With what qualities about its total, embodied existence, does it associate itself, and from which does it seek distance? More importantly, what can an investigation into these commitments tell us about the nature of I-hood itself? And how are we to understand the relationship of a 'necessary' moral law and this individual I-hood?

Fichte offers, I think, an answer to these questions that is more satisfying than many give him credit for. My work in this chapter dives into the minutiae of Fichte's concept of I-hood with an eye toward these central questions, and specifically, Fichte's answer to them. In particular, I use my discussion here to lay the foundation for a thorough look at the 'necessity' of the necessary thought of the moral law Fichte presents at the end of Part I of *The System of Ethics*. Understanding the nature of this necessity

within I-hood will be instrumental in offering my account of moral deliberation in my following chapter.

2.4 The Need for an Account of the I's *Consciousness* of Its Own Character

At the end of Chapter One, I concluded with Fichte's claim that the I is 'essentially' a 'tendency' toward the absolute. In this part of *The System of Ethics,* Fichte asks the reader to consider what features of the I are necessary in order for a consciousness like this to result. We are by now quite familiar with the claim that an absolute self-positing is transcendentally necessary for consciousness, and its similarity to Kant's transcendental unity of apperception. We have seen too, though, that Fichte thought this self-positing could carry more philosophical weight than Kant's unity of apperception. Fichte aims to demonstrate transcendentally that if we grant that a self-positing activity is necessary for consciousness, a drive for self-sufficiency in the material world is equally required. This drive is not experienced by the ordinary consciousness as a drive. It is experienced, Fichte says, as a thought.

Thus, the drive that was discovered within consciousness via transcendental deduction takes on an entirely different form when presented within ordinary consciousness. The 'essential character' of the I is experienced not as it actually it is, but mediately, as a necessary thought that an intellect must think. This conception of the I's essential character must be put in the context of several other terms that Fichte uses to describe the I. The 'objective I', the 'substantial I' the 'pure I'; these are used in ways not always clearly defined by Fichte himself. At this point, the essential character of the I is

revealed through the I's original discovery that it is a willing, but we have yet to see how this 'essence' of the I is to be understood in relation to the 'entire I'.

In order to reach this point, we must trace Fichte's argument, beginning with the claim that the I posits itself absolutely. It is helpful to look at the overall structure of this chapter. In a short 'preliminary remark' Fichte reviews his overall method for his deduction of 'ethics', which he calls the "theory of our consciousness of our moral nature in general and of our specific duties in particular."[66]. The rest of the chapter is divided into responses to two '*Aufgaben*'; 'problems' or 'tasks'. The first *Aufgabe,* which occupies §1, is "To think oneself, i.e., separate from everything that is not ourselves"[67]. It produces the following 'result', which we have now covered in detail:

> The essential character of the I, through which it distinguishes itself from everything outself of it, consists in a tendency to self-activity for self-activity's sake; and this tendency is what is thought when the I is thought of in and for itself, without any relation to something outside it.[68]

(Fichte stipulates here that the I is presently *not* understood as a drive; that is to say, his transcendental investigation has not yet afforded him this claim. But drives are certainly a part of the Fichtean subject. By the end of this first chapter of *The System of Ethics,* a pure drive to absolute self-activity is transcendentally deduced.)

The first *Aufgabe* amounts to an investigation into, as Fichte puts it, "what the I is in and for itself."[69] And as he reminds us, this is equivalent to "how the I, when thought

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[66] Ibid, 21.

[67] Ibid, 24.

[68] Ibid, 34.

[69] Ibid.

of only as an object of consciousness, must necessarily be thought."[70] Recall the beginning of this argument. In response to the task of 'thinking of oneself separate from everything that it not ourselves,' Fichte proposes the following theorem: "I find myself only as a willing." Finding oneself as a willing remains the case throughout the remainder of the argument; that is to say, the fundamental way we 'find' or encounter oneself remains unchanged. But the transcendental investigation Fichte undertakes tests the meaning of the phrase. (What do we mean by 'willing'? What do we mean by 'finding'?) When these questions are answered we are better able to move, as Fichte demands, from this initial self-encounter toward one that is free from whatever 'external' influence was previously existent in our concept of 'willing'. When this is done, we are able to establish the 'essential character' of the I: this tendency toward self-activity.

This tendency is, as is shown by this argument, required for any consciousness at all. The I, when "thought of as an object," is this tendency.[71] This is how Fichte speaks of the I under transcendental investigation –as an object, with the stipulation that the I can never truly be known 'as such'.

This is a significant accomplishment; we now have an idea of *what* the I is, viewed through the eyes of the transcendental philosopher. However, Fichte is unsatisfied with this answer. The insufficiency of this answer for Fichte is in and of itself significant. Fichte says that if it is the case that our essential I is a tendency toward self-sufficiency, this tendency must be fundamentally presentable within ordinary consciousness. But Fichte's effort to observe how the I "becomes conscious of its own tendency toward

[70] Ibid.

[71] Ibid, 34.

absolute self-activity" is complicated.[72] The *Aufgabe* quoted here is eventually taken up by Fichte's investigation of how the tendency previously deduced abstractly is found in ordinary consciousness. But his effort to understand how the essential character of the I presents itself to ordinary consciousness does not immediately follow his derivation of it in the text. Between these two *Aufgaben* is another: "*To become conscious in a determinate manner of the consciousness of one's original being*"[73] In this section, Fichte seeks to establish the 'determinate' way in which the tendency toward self-activity presents itself *in an ordinary consciousness*. He writes:

> Now it is claimed that this same object is present for us *originally*, i.e., prior to all free philosophizing, and that it imposes itself upon us just as certainly as we are conscious at all. If this is true, then there is also an original consciousness of the object in question, even if we may not be precisely conscious of it as a singular object at the same level of abstraction with which we have just established it. [74]

This 'same object' is the nature of I-hood derived in the first *Aufgabe*; it is the transcendental fact that the essential character of the I is a tendency toward the absolute.

Fichte gives us a clear delineation between this project and the former. That project took place on the basis of 'abstraction' from our experience done via solely our "freely self-determining" power to think[75]. The project of §2 begins with the claim that some consciousness of our essential character must exist regardless of whether the subject has walked themselves through such abstract mental steps. The essential character

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[72] Ibid, 43.

[73] Ibid, 35.

[74] Ibid.

[75] Ibid.

of the I, then, must be a constitutive part of our experience as consciousnesses. How we become aware of this character, and in what ways, is the focus of both §2 and §3, though they approach this awareness differently.

2.5 Awareness of Essential Character in Ordinary Consciousness

This difference, between the tasks of §1 and §2, is explored presently. The difference between the tasks of §2 and §3, however, as they are initially stated, is less clear. This difference is taken up in the latter half of this chapter. What Fichte does in §2 is a first step in understanding the way that the I's essential character creates Fichte's complete conception of I-hood. In this section, we discover that it constitutes the most basic activity of the I's inner life.

This 'genetic description of the consciousness in question', the exploration of the *Aufgabe* of §2 seeks to understand this subjective encounter with the essential character of the I, and how exactly it manifests as this constitutive experience. In our subjective experience, Fichte claims that each of us, simply because we are I's, possesses an awareness of our essential character "without knowing we possess it."[76] What makes our essential character necessary within our consciousness is *not* our awareness of it. Rather, the relationship between the I's character and the I's subjective consciousness must be one in which the essential character manifests in the very nature of consciousness itself. It must be constitutive of ordinary consciousness in that it is in some way a part of its structure.

[76] Ibid, 36.

Fichte refers to the act of the I becoming conscious of itself interchangeably as self 'reflection' and self 'intuition'. As philosophers, we are "mere spectators of self-intuition on part of the original I;" this self-intuition here is the intuition of the abstracting I, who seeks objective knowledge of itself.[77] Fichte frequently draws an analogy between intuition of external content and the type of reflection he is describing here. Fichte notes that "Knowledge of the being of the I…is located in that very substance that also *is*," and here, he calls this an "immediate connection between consciousness and being."[78] Objective knowledge of the I, then, requires nothing more than the I itself; and occurs completely as a self-referential, reflective act. Note that Fichte emphasizes the capacity the I has to make itself an object; indeed, he claims this must be possible if his previous claim about the tendency to self-sufficiency is true. There must be a way, in other words, that the I experiences itself.

Fichte's claim is that the I experiences its essential character, that is, that part of it which is objective, as the spontaneous intellect. Fichte states that it is a "pure and simple" fact of the matter that the I intuits itself as intellect; this fact, in his view, needs no derivation or "external ground."[79] This suggests that the most basic encounter the I can have with itself is *as intellect*, and confirms what Fichte has already argued; that when the I reflects upon itself, it posits itself as an *absolute activity*. This absolute activity constitutes the spontaneous capacity of the intellect within consciousness. This capacity

[77] Ibid, 43.

[78] Ibid, 35.

[79] Ibid, 36.

is itself nothing more than the absolute freedom that the I originally posited as the I itself. In this way, when the I posits its own activity, it is positing the intellect, and what this means that it is in the intellect that the reality of free activity is found. The intellect *is* the essential I.

It is important to emphasize here that the freedom found in the intellect is *freedom* precisely because of the sort of thing the intellect is – a concept forming, agile faculty. Freedom, Fichte reminds us, is "the power to begin a state absolutely."[80] The intellect has the 'agility' of thought; it is able to use concepts freely and also to use them as a cause of action in the world. Later, when Fichte discusses the relationship of the moral law to theoretical reason, he confirms the ultimate importance of the intellect's freedom, indicating that theoretical reason should not be subsumed under the moral law.[81]

The ordinary consciousness, in this way, experiences the absolute activity revealed as tendency not in its bare reality, but rather through a certain lens, i.e. 'as intellect'. And should an ordinary consciousness take up the task of the philosopher and reflect abstractly upon itself, it will still fail to have a direct intuition of the absolutely self-positing I. The individual who attempts to intuit herself intuits the very act of herself intuiting something, and though the philosopher may come to see that this originates in a transcendental character of absolute activity, the individual I experiences only this intellectual capacity.

Indeed, freely acting consciousnesses have necessarily *already* intuited their identity as intellect. Fichte spends some time exploring the precise nature of this. Though

[80] Ibid, 41.

[81] Ibid, 207.

ultimately it remains unclear exactly how self-intuition occurs, it is clear that Fichte thought this self-intuition grounded the concept of freedom for the individual.

Here is the claim Fichte wants to advance:

> merely by grasping itself as an intellect it becomes free; for only thereby does it subsume its own being under something higher than any being, that it, under a concept.[82]

It is, then, a sufficient condition for freedom that the intellect grasps itself as such. Freedom requires that the intellect see itself as intellect, and this is because this is the only case in which something *determines itself*. To put this in context, recall the first 'result' that Fichte produces in this chapter, quoted in full above. It states that 'the essential character of the I' consists in a tendency to self-activity for self-activity's sake. The latter part of the result concludes: "This tendency is what is thought when the I is thought of in and for itself, without any relation to something outside it."[83]

2.6 The I As Intellect

Thus, the I of individual reflection presents itself as intellect. In order to explain the relationship between the intellect's freedom and its real being, Fichte begins speaking of the I in dualistic terms. He writes that "In order for something to be thought of as free, you required it to determine itself and not be determined from outside or even by its own nature," but then questions: "What does this *itself* mean? Some duality is obviously being

[82] Ibid, 40.

[83] Ibid, 34.

thought in this case."[84] In other words, who is doing the determining and who is being determined in the free I?

It must be the case that the intellect, through its own freedom, is doing the determining. Otherwise, because of the essential character of the intellect is this freedom, it would not truly be *self*-consciousness. When this free self-intuiting occurs, it creates for itself a concept of the I – that is, it creates the concept of the intellect:

> As an intellect with a concept of its own real being, what is free precedes its real being, and the former [that is, the intellect] contains the ground of the latter [that is, its own real being].[85]

This gestures toward the idealistic roots of Fichte's project, and reemphasizes the 'activity' of the I. It is the case that here, is the subjective intuition, what is intuited is merely the act of intuiting. This act of intuiting is the 'intellect'. As Fichte fleshes out this self-intuition, the initial intuition of the self-intuiting self gives rise to the concept of an intellect that is able to freely make use of concepts in general, beyond the initial conceptualization of the being of the I. The picture that Fichte presents here is one in which the self-reflecting I may become explicitly aware of her identity as intellect. However, being a consciousness at all entails such an identity regardless of whether one has done the reflective work to acknowledge this.

For the remainder of §2, Fichte includes a detailed look into precisely what occurs within the I when it considers itself. How, Fichte asks, is such an act possible, and what does this act necessitate of the *determined* part of the I –the I that is intuited?? His

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[84] Ibid, 40.

[85] Ibid.

attempts to address this precise act of the self-intuition rely on metaphor. These metaphors lend some insight into some of Fichte's frankest thoughts about the act of self-consciousness, though they fall well short of fully explaining it.

One of the most common metaphors Fichte uses to describe the act of self-consciousness is that the I 'tears itself away from itself' (*reisst das Ich sich selbst)*. He writes first that:

> Through consciousness of its own absoluteness **the I tears itself away – from itself-** and puts itself forward as something self-sufficient. (Emphasis mine.)[86]

And then in the next paragraph:

> What is intuited is itself the intuiting subject. … In this case, therefore, the intellect is not merely an onlooker, but itself, as intellect, *becomes* – for itself …the absolutely real force of the concept. As an absolutely real force with consciousness, **the I tears itself away – away from the I as a given absolute, lack force and consciousness.** (Emphasis mine)[87]

Fichte spends some time attempting to clarify the act of the 'I tearing itself away from itself'. He notes, as he does throughout the text, that the I intuiting itself is similar to the I intuiting anything else, except in this scenario the subject is the one doing the intuiting. But, of course, this is no small exception. In an intuition of something external, the intellect remains a passive onlooker. In the case of the I intuiting itself, the intellect is the one both intuiting and being intuited. As such, the object of intuition changes merely because it is intuiting.

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[86] Ibid, 37. German: *Durch das bewusstsein seiner absolutheit reisst das Ich sich selbst - von sich selbst - los und stellt sich hin als selbständiges*

[87] Ibid.

What is the consequence of this change? For one, Fichte says that the intellect, when it reflects upon itself, it becomes "the absolutely real force of the concept."[88] This establishes freedom for the I in its *formal* form. The intellect represents the I's freedom to think spontaneously. This is the sort of freedom Fichte designates by 'formal'. Fichte's work here depends upon his readers' ability to distinguish between 'formal' and 'material' freedom. Both are, of course, ultimately unified by their origin in the I's essential character. But material freedom designates the I's ability to effect change in the material world. At this point in the text, the I's material freedom has not been philosophically derived. The completion of this derivation occurs only with the 'necessary thought' of the moral law. It is in this latter section that we learn that material freedom requires lawfulness, that the I is only able to act in full freedom when it obeys the moral law.

At this point, Fichte is concerned with establishing the role of the intellect in the I's understanding of its own freedom. The intellect is constitutively formal freedom. Fichte is suggesting that the transcendental activity of the I is taken up *as intellect*. The tendency postulated in the previous section becomes the concept of the I's own thinking. This realization is the transcendental character of the I as a tendency, transformed into something able to be intuited. This essential character of the I is experienced as a recognition of the I's *freedom;* that is to say, its "power to make itself absolutely."[89]

It is this self-grounding that is of importance to the overall argument Fichte presents. In the end, Fichte concludes that the I ultimately experiences itself as a *power;* a

[88] Ibid.

[89] Ibid.

pure activity. It is "incapable of any determination through its nature and essence…incapable of any tendency, drive, inclination, or anything similar."[90] This is the fundamental way that the I, when reflecting on itself, ultimately experiences itself. It is the result of the I tearing itself away from itself; the result of the I reflecting on its objectivity. The paragraph referenced above explains this move:

> The intuiting subject (the intellect), which becomes an intellect precisely by means of the postulated act, posits the tendency to absolute activity described above, in accordance with the postulate, as – *itself;* that is, as identical with itself, the intellect. The previously mentioned absoluteness of real acting thereby becomes the essence of an intellect and is brought under the sway of the concept, and this is how the absoluteness of real acting first becomes freedom proper: the absoluteness of absoluteness, the absolute power to make itself absolutely. Through the consciousness of its own absoluteness the I tears itself away – from itself – and puts itself forward as something self-sufficient.[91]

There are several important claims here, which we are now in a better position to understand. The intellect is grounded in the transcendental activity of the I, and the I, when it intuits itself, experiences this activity *as that of an intellect*. And this intellect, because it is a product purely of the I's own act of self-reflection, is experienced *as the I*.

Crucially, this paragraph adds a move to this reflective process. The activity of the I, thus far understood only as the *formal* freedom of the spontaneous intellect, is now seen in conjunction with 'real acting'. Fichte is connecting here the understanding the I has of itself as intellect with its understanding of itself as a practical actor. This ability to act is 'brought under the sway of the concept' when it is seen in light of the I's free intellectual capacity. In other words, the I comes to understand its free activity in the world as free because the intellect is able to determine it. Once the I recognizes its capacity as an intellect to freely act, it becomes not only formally free, but practically, or

[90] Ibid, 42.

[91] Ibid, 37.

materially, so as well. And thus, it intuits its own power to act freely.[92] Such a claim here foreshadows the connection that will be established in §3 between the I as intellect and the necessary thought of the moral law. The moral law will turn out to be nothing more than the self-given principle by which the I ought to use its intellect in order to determine its free acting in the world.

2.7 Essential Character, Re-Examined

As mentioned above, this account of the I poses a problem for Fichte because it seems to have abandoned the conclusion of §1. The power of intellect is completely free of any determining nature, inclination, tendency, or drive. It is essentially free. But this concept of the I, which resulted from a description of the experience of ordinary consciousness, seems to abandon the transcendental truth of the I as a tendency toward absolute activity. The 'essential character' of the I in this deduction was such that it had a positive aim in its very character – that of self-sufficiency. This positive aim is nowhere to be found in the concept of the intellect. The tendency toward self-activity grounds the subjective experience of the intellect, but it is not directly intuited or experienced.

This problem cuts to the center of Fichte's philosophical project. The essential character of the I - its absolute self-activity – must be something the I itself conceives of. As Fichte puts it, "the I is only what it posits itself to be. The I is originally supposed to

[92] Ibid, 41. Notably, this is, by Fichte's own claim, an account of *how* a state can begin absolutely. Fichte's account of intellect here, serves to explain how an I can enact its own choice in the world. This can occur because of the nature of thinking. In other words, freedom is connected to the essential nature of intellect. The intellect's concept formation and application is experienced by the I as the most basic example of its freedom, and through the intellect, the I discovers how it can begin a state absolutely, something Fichte says Kant never made explicit. It is through the connection between the intellect and action that this is made clear.

be a tendency. This is meaningless and self-contradictory unless the I is supposed to possess this character *for itself*, that is, unless the I is conscious of it."[93] This fact alone leads Fichte to assert that there must be a way in which the I "becomes conscious of its own tendency toward absolute self-activity as such."[94]

This assertion, while treated quickly by Fichte himself, makes an appeal back to initial problem – "to think oneself, merely as oneself, i.e., separated from everything that is not ourselves."[95] This problem was solved transcendentally. The thought of 'oneself, merely as oneself' was achieved by beginning with a claim about finding oneself - that the ordinary consciousness, when thinking of itself, initially conceives of itself as a willing.[96]

From there, a transcendental investigation revealed the tendency that grounds this willing. With Fichte's reminder here that the I is only what it posits itself to be, he suggests that this discovered transcendental ground must be confirmed by conscious experience. That is, his suggestion is that transcendental claims about the I must have real existence within ordinary consciousness. The I who posits itself in the above claim is the I of ordinary consciousness. This ordinary consciousness must be able to posit the I's essential character, not as a transcendental conclusion, but as an immediate feature of its self-experience.

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[93] Ibid, 43.

[94] Ibid.

[95] Ibid, 24.

[96] Although Fichte does not make this correlation, I take 'willing' here to ultimately be the same faculty as the 'power' produced in the investigation of §2.

This motivates the problem of §3, where Fichte takes up the task of "observing how the I becomes conscious of its own tendency toward the absolute as such." Specifically, why is it the case that the I of subjective consciousness seems to bear no direct resemblance to the essential character of the I as tendency toward the absolute? "It must have seemed strange," he writes

> that, in the preceding section, we derived….a type of consciousness that does not carry with it anything resembling a tendency and that the distinctive character of this previously established tendency thus seems to have been set aside entirely.[97]

The need to establish how the I becomes conscious of its own tendency, is set apart from the former *Aufgaben,* in which Fichte focused on the intellect, because it is explicitly a product of a philosophical need. Fichte continues: "The I is originally supposed to be a tendency. This is meaningless and self-contradictory unless the I is supposed to be this character *for itself,* that is, unless the I in conscious of it."[98]

It is worth emphasizing the implications of this demand. Fichte places priority upon the I of ordinary consciousness, that is, the I that is not philosophizing. The self that is investigated transcendentally and that of the ordinary consciousness are, of course, identical. The transcendental claims Fichte makes about the I's essential character make up only one part of a complete philosophical investigation of the I. The conscious experience of the I, or at least, that which is able to be consciously experienced, must also be addressed. Furthermore, these two investigations must mutually confirm each other. The implication here is that without such mutual confirmation, transcendental claims are effectively useless, and inquiries into ordinary consciousness lacking in rigor.

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[97] Ibid, 43.

[98] Ibid.

For this reason, Fichte sets out to demonstrate precisely how the I experiences its essential tendency. There is a crucial difference that Fichte sees between the intuition the I has of itself as intellect and the sort that is now being explained. The intellect was a 'pure and simple' product of the I's own reflection. It occurred via nothing more than this act of reflecting on itself. This is contrasted with a reflection that is grounded in something that must "first be adduced" – this is the experience of the moral law.[99] This reflection, then, is *not* experienced purely and simply.

What is the difference that Fichte sees between these two 'reflections', both of which occur within ordinary consciousness? In other words, what is being identified by Fichte's use of 'purely and simply'? The intellect is how ordinary consciousness encounters itself when it self-reflects. In the following discussion, the moral law is presented as a 'necessary thought' within the intellect that is rooted in a drive for self-sufficiency, which is ultimately grounded in our tendency for the same. Fichte moves toward this articulation of the moral law by returning to the transcendental work of §1. Fichte introduces the notion of 'drive' to explain the encounter the I has with its essential character. He says that what is said about the drive of the I follows by 'mere analysis' of essential character of the I as tendency to the absolute. The implication is that this is a straightforward mental endeavor. This drive is a "manifestation" of the tendency; "the two mean exactly the same thing."[100] The establishing of the drive then, adds no new content – it is rather a more precise philosophical understanding of the essential character

[99] Ibid, 44.

[100] Ibid.

of the I. The I, viewed transcendentally, has within it an active drive toward self-sufficiency. It possesses an "essential, subsisting, and ineradicable" "drive that drives."[101] This drive is the essential character of the I.

Because of this essentiality, the intellect must depend on the drive, not the other way around. The intellect, though experienced by the I as absolute freedom, is transcendentally grounded in this drive. This emphasizes Fichte famous 'primacy of the practical', for in this section Fichte notes that the work of the intellect is done because of our practical engagement in the world. This does not make the intellect structurally bound by normative limitations. Rather, it makes it bound in its purpose; the way it *ought* to be used.[102] This is Fichte's establishment of the I's material freedom. It must be the case that the I is materially free, because the intellect is the product of a drive for self-sufficiency in the material world.

2.8 Self-reflection, Reconsidered

Fichte returns to the complicated question of self-experience in order to better explain the I's encounter with the moral law, its relation to the I as intellect, and the necessity of this material freedom. The real question, he suggests, is a question of how to think the unity of subject and object in the I. Thought of transcendentally, the I is this tendency, but this is only a partial view. "I hood consists in the absolute identity of what is subjective and what is objective," but this means that thinking of what Fichte calls the

[101] Ibid.

[102] Ibid 41, 42.

"entire I" is impossible.[103] Thought of any sort requires a distancing of subjective form objective, and for this reason, self-intuition necessarily places this artificial distinction upon the I. With this in mind, we can see that while the subjective experience of the I is as free intellect, and the objective character of the I is this tendency toward self-activity, the unity of the subject-object must lie elsewhere. Our own self-intuition, it is important to note, fails to ever grasp this moment in Fichte's account. This moment of subject-object unity is precisely the moment of the I acting with without external grounds; it is the act of the I determining itself in accordance with its concepts. But due to the nature of self-reflection itself, in which a subject-object distinction must be imposed, cognizing this moment of unity is unthinkable.

What, then, can we know about this moment of subject-object unity that represents the 'entire I'? This will come to us via the moral law, which we experience as a 'thought' about the sort of thing we are. The unity of the entire I will, eventually, be expanded upon via Fichte's concept of 'conscience'. Conscience signals to us a harmony within ourselves that demonstrates the existence of this subject-object unity. Aside from this signal, which Fichte calls a 'feeling' of conscience, the fundamental unity of the I is necessarily un-knowable. This means that even though our essential character as tendency toward the absolute has been deduced, the encounter that ordinary consciousness has with this character is via a thought that does not reveal the truth of this character immediately. Rather, our encounter with this character happens via "reciprocal determinations" of the subjective and the objective.[104] When the subjective is determined

[103] Ibid, 45.

[104] Ibid, 50.

by the objective, a "lawful and necessary" way of thinking arises, and this way of thinking is the intellect giving "itself the unbreakable law of absolute activity."[105]

It is worth noting that it is this un-thinkable status of the 'entire I' that Fichte believes accounts for the debate among his peers about the existence of free will. The actual ability of the I to determine itself freely is explicitly and purposefully put beyond the reach of philosophical investigation for Fichte, much like it is for Kant. But more strikingly, Fichte suggests that the exact location of the answer to the question of freedom lies within the I itself. That this answer is unreachable emphasizes the way that it represents not only a fundamental limit to our knowledge of the world. It also demonstrates that the I's encounter with itself takes place on the basis of a necessary division that covers over the real being of the I; it's unified, absolute self-activity. Because of this, an answer to the question of the I's freedom will inevitably rely on what Fichte makes clear is a choice on part of the philosophizing subject – a choice to presume the possibility of this free, unified I. There is no argument to adjudicate this decision. The ability to the I to act freely must be believed on the basis of what Fichte makes clear in the nova methodo, is 'faith', precisely because it could only be found in a subject-object unification that is unthinkable to us.

And yet, on Fichte's account, the I's ordinary experience of itself intellect is an intellectual intuition. It occurs 'purely and simply' and is the most basic way in which we know ourselves. The intellectual intuition here is one that is supposed to be implicit in all of our acting – a truth that becomes apparent inevitably when the I reflects on itself. The way in which this occurs is now clear, but what precisely makes this an intuition? And how does this relate to Fichte's assertion that the unity that grounds the I is something we

[105] Ibid, 51.

can never know? Fichte's central claim is that if the I is clear about what it finds when it reflects upon itself, it finds itself as a free intellect. This idea is entailed in the I's self-conception necessarily. This necessity is rooted in the very act of thinking; in this case, in the reflexive act of thinking about oneself. So what is found is nothing more than the simple action of the I thinking about itself. Nothing more than this self-directed act is required, in Fichte view, to ground the claim that the I is a formally free intellect. This is the 'pure and simple' truth of the I's intellectual intuition of its own intellect. It simply *is* a part of the concept of I-hood, because it simply *is* a part of the act of self-reflection.

The idea of the I necessarily intuiting itself as intellect suggests that ordinary consciousness has only to reflect in order to become aware of this. The idea of the intellect is behind all of our experience; it is constitutive of our sense of self. Fichte has provided an argument against the determinist that is rooted in a claim about the self-experience of the I. The claim is that if the I reflects accurately on her own reflecting act, the simply *will* see the freedom of the I. The implication is clear; self-conceptions that try to deny this freedom are wrong.

Fichte's support for this claim rests intentionally on the individual thought-process of his conversant; usually his students. Though Fichte analyzes the reflective steps of ordinary consciousness that lead to the apparentness of the free intellect, the reflecting individual intuits herself as intellect on her own. It is in this act that Fichte finds the necessary, simple existence of an intellect that must be free. Fichte does not deny that other ways of conceiving of the self are possible. Rather, he suggests that this is the only one which has a transcendental justification, and, more strikingly for those

individuals who are doing the self-reflecting, the only one which can account for what Fichte finds to be undeniable about the act of asking what the self is the in first place.

We should take a moment to look at this conclusion in light of where Fichte began; the claim that the I finds itself only as a willing. Recall that the I that is found via philosophical abstraction is not an 'immediate' perception, but rather something "added in thinking to something that has been perceived."[106] What can be immediately perceived are the I's manifestations – thinking and willing. One should now wonder, in light of the attention Fichte gives to the intellect, why he does not say here that the I finds itself only as a thinking. Fichte's address of this reveals something important about the status of the intellect. *Thinking,* Fichte says, is only possible in relation to a not-I, something *other* than the I itself. This process of differentiation between the I and the not-I is necessary for the creation of the I-hood concept. However, in reflecting upon the I, it is *willing* that is found as the 'pure' or 'essential' feature of I-hood. This is so because willing, Fichte says, is a pure manifestation of the I's activity. It is the "objective manifestation" of it.[107]

This provides an important clue about what Fichte means when he frequently uses the term 'objective' to describe certain claims about the I. The 'objectivity' of the I must be that part of it which is pure, and thus, that part of it which is self-sufficient. This, Fichte shows here, is the *will* of the I – the pure activity of the I. And this objective part of the I has come into view via a 'finding' of the self that Fichte says the I can be lead through "in a determinate manner."[108] This means that the I can find this 'manifestation'

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[106] Ibid, 26.

[107] Ibid.

[108] Ibid, 24.

of the pure I – that is, willing - via not transcendental investigation, but reflective 'thinking of oneself'. Regarding the 'objectivity' of the I, it should be clear that, at least in this instance, it refers to a specific, self-sufficient, and ultimately morally determined, feature of I-hood.

2.9 The Structure of Self-Reflection and Mediated Necessity

At this point, we are prepared to turn to perhaps the most important feature of Fichte's complete view of I-hood. The I as intellect turns out to contain within in it another claim; what Fichte calls a 'necessary thought'. The thought is that of the moral law. Fichte's answer to how ordinary consciousness experiences its essential character – that is, our tendency toward self-sufficiency - is as a 'necessary thought' within the intellect of the principle of morality:

> The principle of morality is the necessary thought of the intellect that it ought to determine its freedom in accordance with the concept of self-sufficiency, absolutely and without exception.[109]

In order to understand what Fichte means, we must look at precisely what Fichte means by 'necessary' here, for it is a necessity different from that of either transcendental necessity or a sort of deterministic inevitability. We must also look carefully at how this 'necessary thought' differs from the intellectual intuition of the I as intellect. The idea Fichte offers is that within the intellect, a thought of the moral law occurs, and that it occurs precisely because of the sort of thing the I is. This is what Fichte means when he says that the intellect is 'immediately' determined by the drive to self-sufficiency. The

[109] Ibid, 60.

intellect is fundamentally shaped by the essential character of the I, and this occurs via a necessary thought of the moral law.

This thought arises upon reflection in ordinary consciousness. Ordinary consciousness knows itself as a free intellect because of its self-activity. But here, Fichte reveals that it is also in possession of a specific thought about its nature as something else. Whereas ordinary consciousness recognizes itself as intellect simply by reflecting on itself, it recognizes a thought within this intellect upon reflection about the nature of this intellect. The thing that the I recognizes as itself, when considered, is revealed to contain a necessary component. And, as is emphasized by Fichte frequently, this knowledge of the self as intellect, and the necessary thought, are supposed to be the product of a singular transcendentally revealed fact about the structure of I-hood; that is, its essential character as tendency toward the absolute.

Fichte's picture is one in which both the thought of the I as intellect and the thought of the I as morally bound are rooted in the same essential truth. But for the ordinary consciousness, these two thoughts do not appear as related. As Fichte says, ordinary consciousness "begins with this thought" of the moral law.[110] From its perspective, it knows only that it finds itself thinking a thought about itself; namely, that it ought to conform its will to the principle of self-sufficiency. It knows nothing of the transcendental justification for this, and need not in order to conceive of the moral law. In other words, it arises within ordinary consciousness without transcendental explanation, as a result of the I's further thinking about its own nature.

[110] Ibid, 49.

With this, we can now see precisely how the conclusion of §3 differs from that of §2. The I's experience of itself as intellect is constitutive of consciousness, and recognition of one's formal freedom is a component of consciousness itself. The necessary thought of the moral law is not constitutive of consciousness in this way.

It should be clear that Fichte cannot be suggesting that all ordinary consciousnesses possess awareness of the moral law, much less its transcendental origins, for any interpretation of this claim is untenable. If Fichte were claiming that it is a matter of fact that all individuals possess awareness of their moral boundness, this would simply be a false claim. On the other hand, if Fichte were claiming that this appearance of the tendency within ordinary consciousness happens on a sub-conscious level, made conscious only through abstract philosophy, this would pose a problem for his philosophical dissenters. His contemporary critics denied precisely this awareness, despite their knowledge of Fichte's philosophy. It is true that Fichte often remarked that those philosophers who denied awareness of the features of I-hood he described were in some way personally deficient. Fichte certainly suggests that all who charitably undergo his philosophical investigations with him will find them true. But this tack has the unfortunate consequence of implying that anyone who disagrees with Fichte is either lacking in philosophical rigor, or worse, not an I at all.

The 'subconscious' interpretation of the necessary thought of the moral law contradicts Fichte's own presentation of it, as well. Fichte takes great care to argue that the 'manifestation' of the drive to self-sufficiency arises as a *thought* within the intellect. The drive, in this way, shapes the intellect simply because the sort of thing the intellect is

must have the thought of the moral law. This certainly suggests that the moral law binds the *conscious* activity of the intellect, not merely its sub-conscious form.

The truth of what Fichte is claiming is not a simple matter to parse. At times, he comes exceedingly close to saying that all intellects have the thought of the moral law, as in this paragraph:

> ..someone might raise the same objections we have raised above: namely, that the intellect as such is absolute agility, and is thus capable of no determination whatsoever, that the intellect produces its thoughts but that no thoughts can ever be produced in it. If so, then we will have to point out that in what follows the proposition that serves as the ground of the above claim will be restricted, and we will see that both assertions can very well serve alongside each other. There is therefore no room for any doubt *that* such a thought occurs as such, and we only have to concern ourselves with becoming precisely and determinately acquainted with this thought.[111]

Or here, where he refers to the thought of the moral law as a 'determination' of the intellect:

> We know immediately that we think in this manner, for thinking is just the immediate consciousness of one's determination as an intellect. An immediate consciousness is called an intuition. In the case we are considering no material substance is intuited by means of a feeling, but instead the intellect is intuited immediately as such, and nothing but the intellect is intuited. For this reason, such an intuition is justifiably called an intellectual intuition. It is, however, the only intellectual intuition that occurs originally and actually in every human being, without the freedom of philosophical abstraction.[112]

However, as stated above, the idea that being an intellect requires one to have the thought of the moral law is not philosophically feasible, and Fichte himself says as much mere paragraphs after these. The paragraph quoted below contains Fichte's best attempt to clarify how this necessary thought is connected to the I as intellect. The key claim occurs at the end, when Fichte explains that the necessity being explained here is *not absolute*, but rather 'conditioned by the fact that there is any thinking at all'.

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[111] Ibid, 48.

[112] Ibid, 50.

> What is here described as objective is determined, produced, and conditioned by this subjective power; the thought indicated [that is, the thought that the intellect must give itself the law of its own self-activity] is possible only on the condition that the I think of itself as free.
>
> With this, we have also removed the difficulty conceded above, that of ascribing any determinacy to the thinking subject as such. The thought we have ascribed is not one that imposes itself unconditionally, for in that case it would cease to be an act of thinking and what is subjective would be transformed into something objective. Instead, this thought imposes itself only insofar as one thinks something with absolute freedom: namely, freedom itself. The thought in question is not really a particular thought but only a *necessary manner* of thinking our freedom. It is the same with all other necessity of thinking. Such necessity is not absolute necessity, nor can It be anything of the sort, since all thinking proceeds from a free act of thinking of ourselves; instead, the necessity of thinking is conditioned by the fact that there is any thinking at all.[113]

The thought of the moral law, then, is necessary for an I precisely because it follows from the sort of thing the I is. Transcendentally, the philosopher can see this. The essential character of the I constrains the intellect by way of a thought that reveals to the intellect just this character, but of course, this thought and that very intellect share the same origin in this character. The I is a free intellect that is constrained by the very nature of its freedom, and this constraint is the moral law. But the ordinary consciousness does not necessarily have this thought, and being an intellect, (or an I) does not require that one have had it. Having the thought of the moral law is a subjective act, not constitutive of consciousness but rather the product of the I's own free thought.

In §2, the intellect is discovered transcendentally; through the I's own philosophical abstraction from itself. In §3, the moral law is put forth as something that must have a space within ordinary consciousness, without any necessary philosophical work. At this point, this space has become clearer. The capacity for ordinary consciousness to have the thought of the moral law is realized when the ordinary consciousness thinks of its own freedom correctly. The moral law is the "necessary

[113] Ibid, 51.

manner of thinking our freedom." Fichte's claim is that if the I decides to commit to thinking of its own freedom, it must think the moral law.

2.10 Freedom and Normativity in the Necessity of the Moral Law

There is a clear normative component here. Any number of thoughts about freedom could fail to bring about the moral law, a reflection upon one's freedom that sees it correctly will. This is the 'necessity' of the necessary thought. It is necessary insofar as one wishes to grasp one's own freedom.

There is another way in which the 'necessity' of this necessary thought of the moral law must be clarified. As we have seen, Fichte is careful to note that the thought of the moral law does not "drive with necessity and with mechanical compulsion."[114] In other words, the thought of the moral law does not necessarily compel the intellect to follow it. Though it appears within all rational beings, it remains at the hand of the intellect – one must freely choose whether to follow it. Fichte's explanation of the precise way in which the moral law binds without 'mechanically necessitating' is in a passage that contains within it content relevant for the entirety of the following discussion. It begins: "The thought just deduced has been called a 'law' or a 'categorical imperative'" and continues:

> As was indicated above [in §1], we are able to think of freedom as standing under absolutely no law, but as containing the ground of its determinacy purely and entirely within itself – the determinacy of a thinking that is subsequently thought of as a the ground of a being; and this is how we must think freedom if we want to think it correct,

[114] Ibid, 46.

> for its essence lies in its concept, and the latter is absolutely undeterminable through anything outside itself.[115]

This clarification – that freedom stands under no law, but contains the "ground of its determinacy," provides the basis for Fichte's explanation of the I's interaction with the moral law. The freedom of the I can "make for itself a great variety of different rules or maxims – for example, rules pertaining to self-interest, laziness, the oppression of others, and other similar rules."[116] But only one sort of maxim is in harmony with the essential character of the I. These maxims are those that conform to the moral law. This is because, of course, the moral law demands that the I act in accordance with its own self-sufficiency; that it do things that are a product of only itself. In other words, the moral law demands that the I act in accordance with its essential character. The I, if it is to be moral, must freely choose to conform itself to what is most essential about the 'entire I' that is revealed only through transcendental investigation.

One might ask how this is a choice for the I at all. If what is essential about the I is its tendency to become self-sufficient, how can the I itself act against this essentiality? This is a difficult question, but a preliminary answer can be found in the remainder of the passage quoted above.

> Let us now assume, however, that the concept of such a rule imposes itself on the intellect, i.e. that the intellect is, under a certain condition, required to think a certain rule, and only this rule, to be the rule governing its own free determinations. We may rightly assume something of this sort, since the intellect, though absolutely free with regard to the sheer occurrence of an act of thinking, still stands under determinate laws with regard to its way and manner of thinking.[117]

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[115] Ibid, 56-57.

[116] Ibid, 57.

[117] Ibid.

> In this way the intellect would be able to think of a certain way of acting as conformable to the rule and another way of acting as contradicting it. Actual acting, of course, always remains dependent upon absolute freedom; and the acting of the free intellect is not actually determined, is not mechanically necessary, for this would destroy any freedom of self-determination. Instead, all that is determined is the necessary concept of the intellect's acting. What then is the most appropriate way to designate such necessity in the mere concept [of the intellect's necessary way of acting, which is, however, by no means a necessity in actuality? I should think that the most appropriate way to do this would be to say that such acting *is fitting [gehore* or *appropriate [gebuhre]* and *ought* to be, whereas the opposite way of acting is inappropriate and ought not to be.[118]

The moral law then, is discovered as something essential to the I, and it is necessary because it *ought* to be obeyed. This ought is a product of the necessary way in which the I, because of the structure of self-consciousness, must experience its own character. The essential character of the I, and the moral law it entails, is experienced mediately as something that consciousness must choose to enact in the world; not as something it follows automatically. The division required in order for the self to view itself prevents such an 'automatic' link between the self and its essential character.

2.11 The Moral Law as Self-Knowledge

I will argue in the next chapter that Fichte's account of moral deliberation includes a presumption of effort *on part of ordinary consciousness* to have this thought. Specifically, I think that implicit in Fichte's account is the idea that in order to act morally, the self must know itself in a certain way. Framing the thought of the moral law as a form of self-knowledge is more than just semantic. Clearly, the I must have the thought of the moral law, one way or another, if it to consciously choose to obet it. But Fichte's philosophy presents the moral law as explicitly transcendentally rooted in a

[118] Ibid.

claim about the sort of thing a self is. What I hope to show is that what follows from Fichte's work is more than a transcendental justification. I think it demonstrates as well that if one is to act self-sufficiently, prior to moral deliberation, one must do the sort of reflection Fichte presents here.

As we have seen, Fichte is clear that ordinary consciousness is not aware of the transcendental origin of the moral law – it merely finds itself with the thought that it ought to strive for complete self-sufficiency. So moral action can not require a philosophical study of the transcendental unity of the self. Surely ordinary consciousness must choose to reflect on itself in order to see the moral law, and that this reflection is requisite for self-sufficiency. But precisely *how* the necessary work done in order to bring about the moral law within oneself is related to one's actual carrying out of this law, remains to be discussed.

We have seen as well that the I needn't be aware of its own intuition of itself as intellect in order for the intellect to be a constitutive feature of its consciousness. In other words, the I as intellect is a claim about the I that is independent of the I's own awareness of it. That the I experiences itself as intellect is simply the case, regardless of its conscious awareness of this. Any ordinary consciousness can reflect and become aware of this, but that it was already constitutive of their sense of self, even if they hadn't consciously recognized this conception. This is akin to what Fichte describes in later parts of the text as *formal freedom*.

Fichte uses different language to describe the role of the moral law within the self. Fichte surely thought that the moral law was a necessary product of I-hood for each and every individual. In the next chapter, I argue that we must understand I-hood as entailing

the moral law in a potential form, but that Fichte cannot coherently argue that only those who are aware of the moral law possess I-hood in any capacity. As a manifestation of the I's essential character, it is not a subjective choice whether one *ought* to find the moral law within oneself. But Fichte's investigation is unique in its attention to the experience of an individual who seeks to find such a law, and the way in which the moral law arises within ordinary consciousness.

Thus, whether one actually carries out the project of finding the law in oneself is indeed a completely free choice – a choice grounded in the *formal freedom* alluded to above. The moral law is found by the I only insofar as it has freely chosen to reflect on its own freedom. Whereas the intellect is what the I presupposes about itself when it acts, the moral law is established as a necessary part of I-hood only once consciousness has considered its own freedom. When this is done, consciousness experiences this thought as both necessary and binding. This is the 'necessity' of the moral law.

Fichte uses the term self-sufficient to describe actions that are done solely because they conform to the moral law. He emphasizes that the intellect must reflect in order to find the moral law, and that before it does do, self-legislation is impossible. First, he states that

> …considering the I merely as the free intellect, the law *as such* becomes a law for the latter when the intellect reflects on it and freely subjects itself thereto, and thus self-actively makes this law into the unbreakable maxim of all its willing.[119]

What is notable here is the two-step process; 1) reflecting on the moral law, and 2) choosing to subject itself to this law. Furthermore, Fichte suggests here that it is possible to at once, make this law the 'unbreakable maxim of all its willing'. The passage

[119] Ibid, 58.

seems to suggest that by choosing to reflect on the moral law and then act on it, one takes it to be the absolute principle that it is, hinting, at least in that moment, toward the fundamental unity between subject and object that the moral law reveals.

In particular, Fichte narrows in on the way that awareness of the moral law is dependent on a *self*-investigation. "the whole concept of our necessary subjugation to a law arises solely through the absolutely free reflection of the I upon itself in its own true essence, self sufficiency."[120] The concept of self-subjugation to a law that comes *from the self* is

> a condition for thinking freely, the necessary way one must think if one is to think freely. It is therefore the I itself that brings itself into this entire relationship of lawfulness, and reason is, in every respect, its own law.[121]

The I, then, of ordinary consciousness, must 'bring itself into' the thought and enactment of the moral law. In order for the law to exist within an individual, she must undergo a reflection upon what it means to think freely, and discover within herself the representation of her character as absolutely free; the moral law.

Fichte makes the distinction between the immediate intuition of oneself as intellect and the recognition of the moral law within oneself quite clear in comparing the difference between the law of thinking and the moral law. Reason, he says, must be completely autonomous; in both its practical and its theoretical forms. In theoretical reason, the freedom of the intellect is known immediately; it simply is the case. But in practical matters, this freedom takes the form of an ought. Again gesturing toward the

[120] Ibid.

[121] Ibid.

fundamental division of the self required for thinking, practical instantiations of reason must work to approximate a perfect form of autonomy.

The principle of morality, as the product of Fichte's transcendental investigation into the postulated act, represents a certain kind of unity of the I with itself. It is this thought that represents knowledge of the I that is, as Fichte says above, "located in the very substance that also *is*." The unity described here is the alignment of the subjective and the objective view of the I. In the necessary thought of the principle of morality, the I experiences at once the objective view as well as the subjective view of itself. It is the transcendental view of the self, and the subjective view of the self brought together.

Knowing oneself is, in an important way, equivalent to knowing the moral law. But now it is clear that knowing the I requires an essential division; a tearing away of the I from itself, in order to think itself at all. Emphasizing the necessity of this for self-reflection can lend insight into how the self experiences the moral law. It experiences it as a thought about itself, but one which occurs mediately, precisely because of the nature of I-hood. The very sort of thing that an acting embodied I is prevents it from experiencing the moral law sole determiner of its will. Instead, it must experience the moral law as something it must freely *choose* to obey. The I – the embodied, acting, individual, I – experiences its own tendency toward self-activity as a demand to choose acts which align with this essential character. And the I experiences it essential character in this way precisely because of the nature of conscious, embodied I-hood.

Finally, whereas the thought of the intellect arose immediately from the initial act of self-reflection and appears as that act itself, the thought of the moral law occurs as a conclusive product of a sequence of self-reflection. Its status as a necessary thought

means that the intellect is able to recognize that it represents what is most essential about itself; it is its essential character. This does not mean that the intellect, once it has the thought of the moral law, recognizes itself as nothing more than that principle, or that it ceases to have a choice. Rather, the intellect has this necessary thought insofar as it recognizes that while it may do many things, only one would be in line with what the I is, most essentially. A full thought of the moral law, then, entails a recognition that it is what best carries out the project of the I's own freedom.

2.12 Conclusions

Particular cases of moral deliberation are the focus of the final chapter of this project. What is notable in reference to these individual moments of choice is the way in which the reflective recognition of the moral law undergirds them. *"Moral existence in its entirety is therefore nothing but an unbroken process in which a rational being continually legislates to itself."*[122] Fichte suggests that recognition of the moral law is enough to ground future deliberations; in other words, once one reflects on oneself and finds the necessary thought of the moral law, they needn't repeat the reflection. But I think it is clear that Fichte saw the moral law as far more nuanced than a thought that arises within conscious and then molds all future deliberation via a fully-formed feeling of conscience. I will argue that it is more accurate to think of the reflective work to understand the moral law, and its origin in one's own freedom, as playing a crucial role in individual moral deliberations, and as leading to better applications of the moral law in

[122] Ibid, 58.

particular cases. Certainly Fichte's own repetition of his *Wissenschaftslehre* project suggests that he finds virtue in such repeated investigations.

CHAPTER THREE: Nuance in Fichtean I-hood

3.1 Introduction

We have now seen in detail that the origin of the moral law in something 'essential' to I-hood itself; a tendency toward absolute self-activity. And we have discussed the origin of this tendency in a pure activity on part of the I; an act of absolute self-positing. We have also looked closely at the way in which the 'necessity' behind the moral law is grounded in an *ought* claim tied to the nature of reason and rational reflection. In this chapter, the full consequences of grounding the moral law in the self begin to become clear. As Fichte discusses the 'I', he wishes to associate 'being an I' with following the moral law. As before, a problem arises; for surely not only those who are perfectly moral qualify as 'I's in his account. But just as surely, being an I seems to require moral action and at minimum, an *awareness* of the moral law. This chapter looks closely at these requirements, and attempts to reconcile the arising issues.

Reflection is crucial within the Fichtean individual not only as a transcendental back-drop, but as an activity individuals must choose to undergo is they are to be I's at all. My account of this highlights of my dissertation overall; that self-reflection is an integral part of moral deliberation and of conscientious convictions in Fichte's account. This third chapter also sets up my discussion of the function of conscience in moral deliberation, which occurs in Chapter Four. Thus, the interpretive claim I make here about the nature of Fichtean I-hood, allows me to argue that the role of reflection in Fichte's conception of I-hood is crucial to understanding his concepts of conscience.

To make such a case, I look closely at the relationship between 'I-hood' and Fichte's account of the I's 'essential character'. Fichte has demonstrated that reflective awareness of certain features of the self is requisite to being an I at all, and because of this, this reflective awareness is requisite for being a free, rational, morally bound actor. Here, I tease apart exactly how Fichte presents this connection between reflection and I-hood. That this connection is not altogether clear in Fichte's own work, and because of this, I distinguish between what I call 'full I-hood' and simple 'I-hood'; a distinction not found in the text, but which I argue is necessary in order to make coherent sense of Fichte's account.

As we will see, the individual act of reflecting upon one's own natural drive is the act that reveals the I's freedom to itself. In Part I of *The System of Ethics*, Fichte's makes clear that if one thinks such freedom, one must think the moral law. What I suggest is that this task is of great importance for the deliberating individual. Thus, in my account of how ordinary consciousnesses interact with the moral law through conscience, these individuals must reflect upon the origin of the moral law in order to have a conviction of conscience. This may seem a strange thesis given the notion of conscience as a 'feeling'. It may also seem as though it implies that all moral individuals must have practiced transcendental philosophy. But Fichte's account of reflection in §9 and §10 of *The System of Ethics* presents a *genetic* account of how ordinary consciousnesses raise themselves to moral capacity. In this chapter, I focus narrowly on what this genetic account means for Fichte's overall picture of I-hood and agency. In the next, I apply this account to Fichtean conscience. Regarding conscience being a 'feeling', it is clear that Fichte understood such a feeling to presuppose much rational deliberation about how to

act. My thesis only adds to this rational backdrop; suggesting that behind the act of rational deliberation is a reflective self-awareness of the origin of the moral law within oneself. In the final portion of my project, I lay out specific ways I think Fichtean moral deliberation includes reflection on the self.

I begin here by focusing on how Fichte uses the activity of the I to lay out the I's encounter with the moral law through two fundamental drives: the pure drive and the natural drive. In my focus, I also present my secondary thesis, one that supports the overall goal of my project. Roughly speaking, the basis of my thesis is this: Fichte equivocates on I-hood, in a way that parallels the equivocation on the term 'absolute' discussed in Chapter One. It is quite clearly *not* the case that all individuals possess I-hood as Fichte presents it, although he insists that he is investigating the transcendentally necessary features of being an I at all. To remedy this, I suggest that I-hood be understood as something that, when a person fails morally, is necessarily lacking in some regard. In fact, it may turn out that I-hood is something none of us fully possess; rather, it may be something we continually strive for. To capture this, I introduce a distinction into the text; between what I call 'minimal I-hood', and 'full I-hood.' This distinction is meant to capture the way in which at times, Fichte seems to be discussing the minimal requirements necessary for consciousness at all, and at other times, he appears to discuss I-hood in a normative way that gives it an aspirational connotation. It is this normative version of I-hood as *goal* that I call 'full I-hood'.

With this in mind, I also argue that an account must be given for how moral deliberation operates within imperfect I's; in other words, the great majority of human individuals. I present my account of this in the final chapter of this project.

3.2 Some Initial Issues With Fichtean I-hood

There are of course, immediate issues that arise from this interpretation of 'I-hood'. The most glaring is that of the concept of freely choosing immoral action, the possibility of which Fichte explicitly endorses. An account must be given of the relationship between I-hood and freedom that accommodates the claim that freedom exists in some form even when full I-hood does not. This is found in Fichte's distinction between 'formal' and 'material' freedom, as well as his account of the stages of self-sufficiency ordinary consciousness goes through on its way to moral agency. In these, one can gain an idea of how Fichte understood freedom to manifest in different sorts of individuals, and along with this, the beginnings of an account of how individuals experience duty.[123]

This thesis about I-hood entailing something much more than bare consciousness presents a textual problem, too, for Fichte frequently uses 'I' to refer to human individuals in a quite general sense. One initially assumes 'I-hood' must be something all such I's possess, and often this assumption is validated by Fichte's own use of the term. 'I', 'I-hood' and 'consciousness' do in fact function as synonyms throughout Fichte's work, including *The System of Ethics*. But it is in this text especially that Fichte presents

[123] For more discussion of the importance of Fichte's formal/material freedom distinction, see Breazeale's "From Autonomy to Automata?" in *Fichte's Addresses to the German Nation Reconsidered.* (SUNY Press 2016).

clear evidence that a certain conception of 'I-hood' stands out against a more general theory of bare consciousness. In this text, 'I-hood' is clearly articulated as something only *some* individuals have. As Fichte discusses moral improvement, moral failing, and the act of reflecting upon one's own freedom, 'I-hood' takes on this aspirational connotation within the text. Fichte is even quite explicit about this at times; suggesting that some individuals aren't even "conscious, properly speaking." I argue here that Fichte cannot mean that humans who act and appear as fully functioning adult individuals are in truth not conscious. Instead, I look at several remarks that suggest that Fichte relies upon an implicit distinction between what I call 'bare consciousness' or 'minimal I-hood' – simple awareness of the world, and the ability to think and act - and 'consciousness properly speaking', which I think aligns with what Fichte often means by I-hood – what I call full I-hood, that is, the ability to freely determine oneself according to one's own ends.

In the part of the text I focus on in this chapter, Fichte's attempt to establish the 'conditions of I-hood' runs directly up against a problem of vagueness in terms of exactly *what* 'I-hood' is. To give an overview, Fichte's presentation here leads one to believe that he understood his project to be outlining the conditions for being an I at all; in other words, for being the sort of thing you and I and all other humans are. But as one delves into the way in which these conditions are derived, it becomes clear that not all individuals have met the proper conditions for 'I-hood', or, as Fichte also puts it 'being an I'. Nonetheless, Fichte speaks as though these individuals are indeed conscious, and he refers to them within the text consistently with the pronoun 'I'. He is also quite explicit

that individuals who do not meet all criteria for I-hood are still acting, interactive individuals, able to think and even to choose, albeit not in a fully free way.

Fichte appears unaware of the space he has created for individuals who are what we might call 'minimally conscious' insofar as they can think and act, and those who meet his requirements for full I-hood, requirements that include recognition of the moral law. In other words, the conditions for I-hood are such that he seems to inadvertently define a sort of I-hood that is aspirational; something normal I's must strive to achieve.

3.3 Minimal I-hood, Full I-hood: A Proposed Interpretive Solution

To resolve this, I argue that readers ought to understand 'consciousness' and 'I-hood' as generally different concepts, although it is certainly not the case that Fichte makes use of such a difference within the text. In fact, although I find this distinction to be generally aligned with the spirit of Fichte's text, although I do not necessarily feel Fichte would have drawn the distinction this way. I think it is clear that Fichte took I-hood to be something that, in some way, people have to varying degrees. I also think it is clear that he took his transcendental investigation to reveal necessary structures that apply to all individuals. I do not think it is clear that he completely acknowledged the difficulty with reconciling these two trains of thought.

My interpretation argues that one ought to read 'consciousness' and the 'I' of Fichte's reflective process as gesturing toward what one might call 'minimal I-hood'; an I that is fully capable of thinking and acting. This is typically the agent of the reflective process; the one doing the work to become a more 'full' I. On the other hand, when

Fichte uses the full term ‘I-hood’, generally he is pointing toward just this ‘full I-hood’; an agency that entails not only thinking and acting, but doing so morally and rationally. Again, Fichte does not use these terms in such a rigorously delineated way. Instead, he often seems to glide between them, resulting in a sometimes frustrating ambiguity. However, I think that this distinction can generally help readers make sense of the text, and especially the reflective act Fichte is trying to illuminate.

An appealing consequence of my attempt to separate Fichte’s concept of I-hood from a concept of simply being conscious is that it wards off the problematic interpretation that Fichte must think only those humans who think of morality precisely as he outlines here count as conscious individuals at all. By introducing a distinction between two different types of I-hood - one captured by the terms ‘consciousness’ and and the other by the term ‘I-hood’ - one also avoids necessarily concluding that anyone who fails morally is not conscious, or that being an ‘I’ requires perfect reason. This is a nearly inevitable interpretation if one understands ‘consciousness’ to mean the richer, aspirational conception of I-hood I am calling ‘full I-hood’.

Frustratingly, this is also an interpretation Fichte at times seems to tacitly endorse. But this problematically implies that certain individuals may additionally lack personhood status. My work in this chapter demonstrates that these near-endorsements likely result from Fichte’s own lack of clarity regarding what ‘I-hood’ actually is, rather than an actual endorsement of one clear interpretation over another.

Perhaps the most significant consequence of clarifying the nature of I-hood by distinguishing between mere consciousness or ‘minimal I-hood’, and ‘full I-hood’, is that it makes sense of the role of self-reflection in the process of becoming a moral agent; that

is, raising oneself from 'minimal I-hood' to 'full I-hood'. In this way, my interpretation is supported by Fichte's account, which seems to play off of the very aspirational nature of full I-hood that Fichte himself fails to fully delineate.

3.4 The 'I' of Fichte's Transcendental Investigation and Its Relation to Humans in General

Sometimes questions about how individuals encounter the moral law are treated as fundamentally distinct from ones concerning how the moral law is used once it is recognized; this is true both for studies of Fichte and deontological theory in general. Such a treatment presents a moral system with a striking division in the way individuals experience morality. First, they are - through upbringing, education, or inexplicable circumstance - brought to the moral law and led to recognize its authority. Then, now fully aware of the demands of their own humanity, they are sent on their way, struggling to apply or obey the moral law in particular situations, but always with a central familiarity with it.[124]

This picture is not an accurate representation of Fichte's work (nor a compelling phenomenological account of real human experience). Fichte takes great care to include an account of *how* individuals become capable of encountering the moral law, presuming that each of us starts in a place of unfreedom and must move ourselves to a level of self-awareness that allows us to act freely. Fichte's philosophy is built upon an agent who is

[124] As Owen Ware notes in "Agency and Evil in Fichte's Ethics," this is the sort of account demonstrated in Kant's Religion Within the Bounds of Mere Reason, as he seeks to explain radical evil. (Ware, Owen. "Agency and Evil in Fichte's Ethics" *Philosophers' Imprint.* Vol. 15 No. 11. 2015)

fundamentally limited in her view of what duty demands, and who must wrestle with this limitedness and act anyway.

A further feature of Fichte's account is its emphasis on reflective understanding of the origin of the moral law. According to Fichte, the individual who deliberates about the moral demands of a particular situation does not find herself inexplicably bound by a law. Rather, the authority of the law *entails* an individual's own cognition of this authority, because the necessity of the moral law is only necessity for the free individual if such an individual understands *why* it is necessary.

Thus, it is insufficient to begin an account of moral deliberation with an individual who has already come to recognize the moral law. Fichte's account of I-hood in Part II supports this strong association between self-reflection and moral awareness. But these components are not always adequately addressed.

Fichte stipulates that before a detailed presentation of how one chooses to act ethically can be had, he must address specific questions about such an I's being in the material world. His focus is on the way the I's materiality impacts the very sort of thing she is. He articulates how the components of I-hood he transcendentally deduced in Part I are necessarily yoked to one's practical acting in the world. As we will see, it is reflection upon this material embodiment that grounds the I's freedom, thus linking the material necessarily to the intellect itself.

Another consequence of Fichte's discussion here is an account of why the sort of 'I' he describes is found *necessarily* in the rational animals around us we call 'human'. Included in this are the sort of questions alluded to above: Do only the most reflective

achieve such full 'I-hood' status? Is I-hood a continuum upon which individuals travel toward greater and greater self-awareness? Is I-hood something only *some* of the people we meet have?

Or is I-hood, and the requisite components of consciousness, something that *all* human individuals possess, simply because they are able to have a conscious thought? I-hood in this reading, rather than being a continuum or a goal, is the basic status conscious thinkers possess. The reflective requirements of such a conception of I-hood would be requirements all thinkers have met; thus I-hood thus I-hood would be not a goal, but rather the foundation for human experience altogether.

One's conception of I-hood raises its own set of interesting questions about what it means to be an I. Namely, if I-hood is conceived of as foundational for all thinking individuals, what do we make of 'thinking individuals'? Fichte himself, like most of his contemporaries, was not particularly sensitive to questions about humans that we might place at the margins of such a designation. Nor was he sensitive to questions about whether humans are the only species that fit the bill. But readers ought to be. Fichte's account leads one to wonder what sort of cognitive capacity is required in order to be the sort of 'normal' or 'ordinary consciousness' Fichte has in mind as he undergoes his transcendental investigations. Such wonderment is not frivolous; for a designation like 'I-hood' imparts important ethical status to those who qualify. Do children have the requisite foundational cognitive capacity? Babies? Fetuses? Do those who are born with serious cognitive impairments possess I-hood as Fichte described? What about those with only mild cognitive impairments, or those who experience cognitive trauma or age-

related dementia? Who *exactly*, is Fichte presupposing when transcendental conditions are explored?

The point of raising such questions at this moment in my investigation is to emphasize the importance of the Fichte's task in Part II of *The System of Ethics*. He must establish this necessary connection between the beings he describes and the description he offers. The way Fichte addresses the 'nature' of the human being will prove crucial to understanding how freedom operates within the I, and similarly, how the moral law is connected to this freedom. But it will also provide an account that claims, loosely, that *if* one encounters a 'normal', rationally capable human individual, these are the necessary structures of that individual's consciousness. Fichte's own basic phenomenology of human experience is revealed largely here, when he outlines his idea of what is 'natural' about being a human. Given the presumptions of his phenomenology, we ought to be able to follow a clear argument from there to the transcendental features of I-hood Fichte lays forth.

This yoking of the phenomenological nature and transcendental necessity is precisely the project found here, as Fichte answers *why* humans of the sort we are must also be the sort of 'I's that Fichte suggests. The sort of 'why' that is asked looks specifically at the link between the freely acting, material human being, and the 'I' of Fichte's philosophy. This is how we ought to understand Fichte's move in Part II of *The System of Ethics* to speaking in terms of 'drives', and not only the abstract 'drive for self-sufficiency' that served as a link between the essential tendency and the moral law in Part I.

3.5 The Natural Drive and the Pure Drive

The I's ability to reflect upon itself is fundamentally rooted in the I's possession of two drives; the natural drive, and the pure drive. The natural drive is the first drive the I encounters when it self-reflects. It is through encountering our natural drive that we experience our limitedness as animals, through the demands and limitations of our bodies. The natural drive seeks bodily survival, and makes demands in line with this goal.

But we do not experience our body as law. Our natural drive is designated a "drive" by Fichte because it represents something that must be taken up by the I in order to obtain. The natural needs of the body only dictate that body insofar as freedom itself chooses to be determined by the natural drive. The needs create a "chain" within the body that ultimately runs up against something that is not natural: the I's ability to choose. The way in which the natural drive must be taken up by the I's own determination forms the foundation of Fichte's conception of freedom. Ultimately, the I's boundness to the moral law is discovered via a process of reflection that begins with a simple observation; that I can do other than what the natural drive of my body demands Thus it is a simple reflective awareness that begins the I's process of becoming aware of its freedom. This awareness is that, although the natural drive makes demands, I have the capacity to both consent to and reject these demands.

As Fichte introduces the language of drives, he also gets more specific in his use of the word 'freedom'. It is in Part II of the text that Fichte explores the nature of 'formal' and 'material' freedom, concepts I made use of in the previous chapter. Formal freedom, recall, is that ability of the intellect to think freely. Here, Fichte associates formal freedom with the ability to separate oneself from the natural drive. The intellect,

then, is an intellect precisely because it is not completely determined by the natural drive. It is an intellect insofar as it has the formal freedom to consent or reject the natural drive's demands.

In this part of the text, we learn that Fichte believed such freedom to be present within an I *independent of that I's own recognition of it*. "I am free but I do not posit myself as free…I am not free for myself."[125] The existence of formal freedom does not depend on the I's own awareness of its capacity for formal freedom. It is instead something that must be present in order for the I to think at all, a constitutive feature of the I's functioning as intellect. The formal freedom of the intellect is a result of the fact that the I has no choice but to deliberate about what to do, because its natural drive does not determine its action completely. So, while the I may not be aware of it, it's own *difference* from its natural body grounds its free ability to form concepts.

In Fichte's analysis, the very reflective act of becoming aware of one's own distance from the natural drive transforms the I's freedom in a critical way. When I become conscious of my freedom, I become aware that I can determine myself. This reflection reveals to the I that it can, and must, choose. And this revelation allows the I to recognize a further truth; that it can choose its ends for itself. As indicated here, this process does not necessarily happen all at once. Once the I recognizes its ability to determine its actions according to its own freely chosen ends, the I has the potential for *material freedom*. "What is required in order to posit oneself as free? I posit myself as free when I become conscious of my transition from indeterminacy to determinacy."[126] In other words, the I begins to understand itself as free when it chooses a determinate act in

[125] SE, 130.

[126] Ibid.

the world for itself according to its own ends, no longer merely indiscriminately choosing one thing or another. But as we will see below, full recognition of one's ability to determine oneself involves a recognition of duty via the moral law. Fichte speaks of this happening in stages, and indicates that it is perfectly possible that the majority of humans never reflect all the way to this final stage.

3.6 The Specific Problem of Fichtean I-hood

In my last chapter, I analyzed Fichte's claim that all consciousnesses are aware of themselves as intellect. Our conclusion in this chapter, re-stated using formal/material freedom distinction, was that a recognition of one's formal freedom, which manifests as a recognition of oneself as intellect, was necessary for consciousness at all. This thesis, presented in Part I of *The System of Ethics,* is maintained and supported here as we parse Part II the text. However, it is vastly complicated by Fichte's own investigation. The language he uses changes dramatically; no longer is intellect the focus. Rather, Fichte's focus shifts to I-hood, a concept that, as I have stated, is far more nuanced than Fichte himself recognized. In order to maintain the coherence of his thinking throughout *The System of Ethics,* I differentiate what I term 'full I-hood' from 'consciousness'; a differentiation not found in the text. Fichte most frequently uses the terms 'I' and 'consciousness', and he uses them interchangeably to refer to the agent behind the reflective process he describes. Thus, when one reads 'I' or 'consciousness', one ought think of what I call 'minimal I-hood'; the bare capacity for thinking and acting that humans possess, given the absence of abnormal mental conditions. But when one reads

Fichte using the term 'I-hood', generally Fichte is appealing to a richer notion; a status of being an I not only capable of thinking and acting, but doing so with full freedom and appeal to the moral law. As I continue below, I try to make clear how this distinction reveals itself within the text. I also point to some instances which may seem to contradict my claims, here, and present my ideas for how to resolve these passages with my interpretation.

Recall from Chapter Two of this project that the 'necessary thought' of the moral law was 'necessary' for an I in a way quite distinct from necessity attached to the self-aware that one is an intellect. It was not the case that in order to be an I (in a minimal conception of I-hood), one must have had the explicit thought of the moral law as Fichte presents it. The necessity of this thought of the moral law relied upon the I's commitment to thinking its own freedom; if an I were to think its own freedom, it would necessarily have this thought. The ought claim implicit here telegraphs the force of Part II, for in this part, Fichte attaches such normativity to his idea of what it means to be an I. In order to possess I-hood, one must recognize that there are things one *ought* to do.

We have seen that it is not the case that in order to possess consciousness, one must have explicitly had the thought of the moral law. However, this claim must be carefully understood. As we will see, in Part II, Fichte does indeed attach thinking one's freedom correctly, which of course, results in the moral law, to I-hood itself. But the way this happens is exceedingly complex. It requires, in my view, significant interpretative effort on part of the reader, which I try to provide here. Additionally, it turns out that the endeavor to think one's own freedom, while fully dependent on one's own freedom, is

not wholly an optional one, insofar as Fichte says that one *ought* to do it. What this makes clear is that there is a necessary way that reflection operates within all I's, that this reflection makes the I aware, in some capacity, of their freedom, and that it is somehow connected to being an I at all.

My first task is to clarify precisely how the moral law is connected to I-hood. If it is necessary for I-hood that one thinks her own freedom, and if doing so leads to the moral law, this would appear to make the thought of the moral law necessary for I-hood. But Fichte's claim is *not* that all humans have within them a thought of the moral law that the must discover, much less that all humans have had such a thought in consciousness. His explicit statement about this is as follows: "Here we are claiming only that no human being could be absolutely lack in *any* moral feeling."[127] So, the relationship between being a 'human being' (which I take to be equivalent to 'being an I'), and having the thought of the moral law begins with a relatively weak claim; that all I's must have *some* moral feeling.

This is not expanded upon, so understanding the precise nature of this inchoate moral feeling is difficult. First, it presumes there may be a way in which one can have only *some* moral feeling, without a conscious awareness of the moral law. Second, the context suggests that there is a connection between having this moral feeling and consciousness of one's freedom.

In any case, Fichte makes it quite clear that I-hood does indeed depend on an awareness of one's *material freedom;* that is, one's ability to determine one's self according to one's own goals, through free action in the world. Fichte further emphasizes

[127] Ibid, 132.

that the designation 'rational being' requires an act of self-reflection that makes one aware that one is free and able to self-determine. This connection of I-hood to one's recognition of material freedom is precisely what complicated Fichte's account. This is in part because Fichte explicitly does *not* say that this recognition must result in the moral law in order for I-hood to obtain.

Most interestingly, these strong claims are juxtaposed with similarly clear statements that not all individuals acting in the world possess the very awareness Fichte deems requisite for 'rational beings.' These claims make it clear that it *cannot* be the case that all human beings, even those who appear free to others, meet Fichte's criteria for I-hood.

This is a difficult position. Transcendental investigations like Fichte's seek to establish the necessary conditions found in rational beings of the sort we are. Thus, one assumes that the sort of 'rational being' Fichte describes here is one that fits easily within the parameters of some working definition of 'typical human'. In other words, it seems that Fichte's description must be about a 'normal' sort of human, if for no other reason than 'consciousness' and 'rationality' are typically attributed to such individuals. But Fichte indicates several times in the early pages of Part II that in fact, not all individuals achieve the capacity for self-determination, rational thinking, or 'consciousness properly speaking'. Furthermore, he says that from the outside, it is may be unknowable who has such capacity and who does not.

The difficulty is only compounded by the remark only a few pages before that everyone possesses *some* moral feeling. Does Fichte believe that all individuals have reflected to enough of an extent that they have an inchoate form of the moral law within

themselves? Is his suggestion that if an individual is acting in the world, forming and applying concepts, and reasoning, he necessarily has felt such a morality? Surely not; for not only are these suggestions intuitively unlikely, they are in direct contradiction with Fichte's other claims patently stating that not all individuals have achieved the reflective awareness he is putting forth. So, is Fichte being internally inconsistent? Are we to conclude that as Fichte describes the conditions of being a human consciousness at all, he equivocates, and uses these conditions to describe conditions that *ought* to be met, but sometimes aren't?

As I have stated, I think it is possible to make coherent sense of Fichte's remarks, by introducing a distinction between the concept Fichte refers to by 'consciousness' or 'the I', and the one he refers to by 'I-hood'. This distinction amounts to the difference between consciousnesses of the normal sort that we are and consciousnesses of the sort that we all *could be*. Thus, it is the distinction between the I of transcendental investigation and the aspirational 'I-hood' of the fully rational, moral person. This difference turns on the *ought* found attached to much of what is required for Fichte's I-hood. This sets I-hood apart from a strict or narrow conception of a merely conscious human individual.

3.7 Fichte's Account of Self-Reflection; Making Sense of Fichtean I-hood

As we have seen, the ability to choose whether to take up the demands of the natural drive is what Fichte calls "formal freedom." "Whatever I do with consciousness, I do with this kind of freedom."[128] This proto-existentialist point about freedom is one that Fichte says his contemporaries have overlooked, as they have failed to recognize that even someone who follows his natural drive "without exception," "would still be free in this sense of the term – so long as he acted with consciousness and not mechanically; for the ultimate ground of his acting would not be his natural drive, but rather his consciousness of his natural drive."[129]

But how does one achieve such distance from the demands of the body? This formal freedom depends upon a prior act of reflection "of the I upon its natural drive."[130] But just following his description of formal freedom, Fichte says this:

> According to everything that has been said so far, I *am* free but I do not posit myself as free; I am free perhaps for an intellect outside of me, but I am not free for myself. Yet *I* am something only insofar as I posit myself as being this.[131]

This proves to be a crucial passage, for it indicates that even prior to the I's awareness of its freedom, it is indeed free in the *formal* sense. Note as well Fichte's use of the term 'I'. In line with Fichte, I too will use 'I' to refer to the person doing the reflecting in the

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[128] Ibid, 129.

[129] Ibid.

[130] Ibid, 128.

[131] Ibid, 130.

following paragraphs. However, a question will eventually be opened as to whether such a reflector is really an 'I' at all.

How is it that an I must have reflected upon its natural drive in order to be formally free, but can not yet 'posit itself *as* free'? Making sense of the mechanisms behind I-hood that Fichte explicates here requires the distinction between *formal* and *material* freedom. Although Fichte makes this distinction clearly enough, his writing does not always make use of it; often he simply uses 'freedom' to refer to one or the other, with only context to indicate to which he refers.

In the above passage, he is describing what he will reveal pages later to be *material* freedom. So when Fichte indicates that at this juncture, the I has not posited itself as free, he is introducing the idea that it is possible for an I to not yet understand oneself as capable of material freedom. That is, though all I's by virtue of being conscious, are aware of their formal freedom, not all possess awareness of what Fichte will call a "drive for freedom, simply for freedom's sake."[132] The crucial implication here is that not all individuals have posited themselves as free beings. Material freedom, unlike formal freedom, is not something rational humans possess simply by virtue of being human.

Fichte sums up the distinction between formal and material freedom like this:

> [Formal freedom] consists merely in the fact that a new formal principle, a new force, comes upon the scene, without making the slightest change in the material contained in the series of effects. In this case it is no longer nature that acts, but a free being, even though the latter brings about exactly the same thing that nature itself would have brought about if it could have continues to act.

[132] Ibid, 132.

> Freedom in the second sense [material freedom] consists in this: not only does a new force come upon the scene, but there is also a completely new series of actions, with respect to the content of the same. Not only does the intellect engage from now on in efficacious action, but it also accomplishes something completely different from what nature would ever have accomplished.[133, 134]

Awareness of one's material freedom is necessary for full I-hood, but as we will see, Fichte does not think that all individuals, even those who appear free to others, actually possess this awareness. What is important to note in the passage above is that formal freedom confers upon the I freedom from the natural drive. Later, Fichte will use this fact to explain how individuals freely commit wrong acts. Material freedom requires that the I become aware of its ability to act independently of its natural drive. When this occurs, note that Fichte says that 'from now on' the intellect engages in efficacious action. There appears to be, in Fichte's telling, an act of reflection which causes a notable change to occur; specifically, a new reflective awareness that results in full I-hood.

This results in an account of one's relation to freedom that makes use of reflection on two accounts. One must have reflected on the natural drive in order to be an I at all. This reflection on the drive is, of course, a distancing from it; one must have recognized, through this reflection, her ability to act other than as her natural drive demands. This is requisite for the formal freedom.

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[133] Ibid.

[134] The existentialist undertones of this passage are striking. In the final sentence, Fichte claims that the I *is something* "only insofar as I posit myself as being this" (a materially free being). Fichte will suggest that one's individual identity is intimately related to the actions one chooses, and that one's relation to the moral law is a direct product of one's 'essential character'. His note about the power of the Other to recognize one's freedom (or not) is also presciently in line with 20th century existentialism.

Fichte does not go into great detail about the mechanics of this reflection. But he insists that at this moment an I may be free for others, but not yet free for itself. This is telling. As Fichte's discussion continues, he suggests that only I's that have moved beyond this initial reflection are *actually conscious.* What I want to suggest is that Fichte is here using 'actually' as a qualifier in order to gesture toward a concept of full I-hood. Formal freedom, I wish to suggest, constitutes the minimum requirement for conscious human existence. We may assume that all normal human beings have it, and that typical human individuals are conscious, if by 'conscious' we mean our common, modern understanding of the term; capable of thought, self-aware, able to choose. But I think Fichte, by using the phrase 'actually conscious', indicates here that he is *not* appealing to this understanding. Fichte creates a space for individuals who *are free*, but who have never *posited themselves as free*. And in the passage quoted above, he notes that both sorts of individuals appear similarly free to an Other.

This indicates that in our everyday interactions, there is likely an abundance of individuals who are conscious in the minimal sense of the term, but who are *not* 'actually conscious' in the way Fichte attempts to define here. Thus, I see an important difference between simply 'conscious' individuals, and 'actually conscious' individuals. My distinction turns on this difference, and in passages like the one quoted above, it seems Fichte was inchoately aware of it. Further below, I look more closely at what 'actual consciousness' might mean, aligning it with my term 'full I-hood'. In another passage, Fichte uses the phrase 'consciousness, properly speaking' to refer, in my opinion, to the same concept.

Before addressing 'full I-hood', though, we ought to establish more clearly precisely this state that I am terming 'minimal I-hood', and that Fichte refers to by 'consciousness'. In other words, what is that state Fichte defined above - of being formally but not materially free – like? What exactly is this space in which an individual, though they are free, is unaware of her freedom? In subsequent passages, Fichte will say that individuals who are in this state live a dream-like existence, never actually exacting themselves upon the world.

It quickly becomes clear that Fichte thinks a second act of reflection is necessary in order to live the life of a fully rational human individual, that is, in order to possess what I call 'full I-hood'. Here is the way this second act of reflection occurs:

> In this sense one does indeed become conscious of one's freedom through the deed: that is, by self-actively tearing oneself loose from the state of wavering and by positing for oneself some determinate end, simply because one posits it for oneself, especially if the end in question runs counter to all one's inclinations and is nevertheless chosen for duty's sake.[135]

Fichte goes into some detail in preparation for this claim. Reflection brings about I-hood through a recognition of one's capacity for material freedom. This recognition takes place via further reflection on the lack of determinacy that the natural drive offers. As Fichte explains it, the I, once it recognizes its ability to do other than the natural drive, is left in a state of indeterminacy – it has no way to navigate its choice. This leaves the I in a state of 'hovering' between multiple ways of being in the world, but without positive determination. "My perception of my freedom starts here," implying that it is in this moment of hovering that the I comes to see that it is free to choose however it wishes.[136]

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[135] Ibid, 131.

[136] Ibid, 130.

At this point, Fichte is accounting for how the I comes to posit itself as a free being in the material world. Thus, the 'perception of my freedom' is a perception of my material freedom; that is, my ability to act freely in the world. Put differently, the I's perception of its free ability to act is the beginning of the I's perception of its freedom as such. Given what we know from Part I, we can also call this the beginning step of the I's effort to 'think its freedom' correctly. In doing so, it becomes clear that Fichte is, in this section of Part II, outlining how the I carries out a reflection that eventually results in the moral law. Fichte here offers a specific account of correctly thinking one's freedom; it begins with a recognition of the I's own ultimate indeterminacy, then its ability to determine its own action in the world.

Here is how this reflection plays out. The I recognizes its own indeterminacy, that is, its formal freedom. This occurs, as we have seen, at a foundational level, as requisite for thought at all. But the I recognizes that it is free when it moves from a point of indeterminacy to determinacy, and chooses its action according to its own freely self-given ends. Formal freedom entails only the state of being undetermined; the state of being aware that the natural drive is not determining me completely.

This self-determination occurs *both* in the material world, as it enacts a material change, and as the determination of the I's identity *as an I.* "The concept (of an end) immediately becomes a deed, and the deed immediately becomes a (cognitive) concept (of my freedom)."[137] Thus, the 'deed' itself – an act in the world – is what gives to the I the concept of its own freedom. Through acting in the world, the I recognizes itself as the root of this action; as free. This is how the thought of freedom arises in the I, *not*, Fichte

[137] Ibid.

notes, by making 'freedom' the object of thought. Freedom is the "subject-object of a conscious being."[138]

What Fichte means here is that through action, freedom is revealed as a unity; as the moment in which subject and object are "wholly and completely one."[139] This unity is not revealed via contemplation of the concept of 'freedom', but rather through action that is recognized as originating in the I's own concept of an end and then a deed. This is simply a restatement of the nature of the I as a 'Tathandlung'; both fact and deed. (See the above-quoted passage: "In this sense, one does indeed become conscious of one's freedom through the deed..." and the freedom behind such an act is especially apparent "….if the end in question runs counter to all one's inclinations and is nevertheless chosen for duty's sake.")

Given this account, it is clear that Fichte believes there are certain instances in which an individual acts with a particular awareness of her freedom in acting. But he is also aware that there seem to be many cases in which this does not seem so. And in these cases, Fichte's diagnosis is striking. This is the above quoted passage, with the remainder of Fichte's paragraph now included:

> In this sense one does indeed become conscious of one's freedom through the deed: that is, by self-actively tearing oneself loose from the state of wavering and by positing for oneself some determinate end, simply because one posits it for oneself, especially if the end in question runs counter to all one's inclinations and is nevertheless chosen for duty's sake. Such consciousness, however, involves both the energy of the will and the inwardness of intuition. There are individuals who do not in fact really will, but who always allow themselves to be pushed around and driven by a blind propensity. **For this reason, such persons do not possess any consciousness, properly speaking, since they never self-actively produce, determine, and arrange their representations, but merely dream a long dream, a dream determined by the obscure course of the**

[138] Ibid.

[139] Ibid.

> **association of ideas.** When we talk about the consciousness of freedom we are not addressing such people.[140] (Emphasis mine)

Thus, Fichte opens up a significant space for individuals who, though they have the capacity to resists the natural drive, and are thus formally free, fail to act upon such freedom. And this is not merely a theoretical space, for Fichte assures his readers that such individuals exist. This is a critically important point, because the space for such individuals, which Fichte gestures toward here, seems to quickly shrink away in Fichte's subsequent conversation. Individuals who have not recognized their capacity for material freedom, while they exist, do not posses consciousness 'properly speaking'. This is the reason I think it is crucial to distinguish between the sort of consciousness these individuals have, and what Fichte means when he says 'consciousness properly speaking'.

The meaning of this phrase becomes clearer as he continues emphasizing the relationship between consciousness of freedom and consciousness in general. In subsequent paragraphs, Fichte makes particularly strong claims implying that 'consciousness properly speaking' is deeply connected to one's capacity for rationality at all. These claims further separate the two views of 'I-hood' I seek to establish here. 'Minimal I-hood' must be something found in all I's, lest we risk claiming that some humans aren't conscious in any capacity. Given that Fichte states that we cannot even determine who among us has only formal freedom and who has recognized their material freedom, this seems unlikely. Above, I covered the litany of issues that arise from such an interpretation. It would mean, first, that there are individuals who are not conscious beings, but who we, among us.

[140] Ibid 131.

Secondly, it would call into question the nature of Fichte's transcendental project of revealing necessary conditions for ordinary human beings, i.e. what he calls "ordinary consciousness." This term itself hints that Fichte's understanding of consciousness is more complicated than is allowed by the claim that only rational, moral agents are conscious. Instead, Fichte's treatment of 'ordinary consciousnesses' suggests that even those barely conscious of their own freedom, poorly rational, and frequently adherent to their natural drive, are conscious in some way. The task then becomes understanding this in light of the remarks below, where Fichte strongly attaches consciousness to material freedom, and awareness of the moral law.

'Full I-hood' captures the idea I think Fichte is putting forth here; that something qualitative changes once one recognizes their capacity for material freedom. The reflective act that reveals one's ability to freely posit given ends allows one to be an *I* of a different sort; to be conscious in a different sort of way. Fichte describes I-hood below, and I think it is fairly clear that one can only understand him to mean something richer than simply being conscious. Nonetheless, he will go on to use 'consciousness' in just this sort of way. I think we ought to understand both 'consciousness' and 'I-hood' in the subsequent passages to refer to 'full I-hood', the aspirational state beyond simple, ordinary consciousness or 'minimal I-hood.' This is because here Fichte claims that I-hood requires that one understand herself as 'free and self-sufficient'.

> I, however, am an I solely insofar as I am conscious of myself as an I: that is, as free and self-sufficient. This consciousness of my freedom is a condition of I-hood.[141]

And following this sentence, plainly:

[141] Ibid, 132.

> A rational being is not possible at all without any consciousness of this freedom, and thus also not possible without the conditions for such freedom; and since one of these conditions is a consciousness of morality, a rational being is also not possible without such consciousness.[142]

And finally, even stronger: "Consciousness of morality is by no means anything contingent or some foreign addition, but instead pertains essentially to rationality."[143]

The issue then, is clear. Fichte is committed to a position that makes consciousness of one's freedom requisite for rationality itself. And it is apparent that this is not merely consciousness of one's formal freedom. That is, Fichte is not merely suggesting that fully rational I's need only to be aware that they are not completely determined by their natural drive. Such recognition results only in a state of 'hovering indeterminacy'.

It does not offer the I a recognition of its ability to act freely in the world. Recall that the reflection that initially distances the I from its natural drive results only in an I that is 'free, but does not posit itself as free.' The I who has only reflected on her ability to *not* obey her natural drive has not yet reflected on her ability to obey some other drive or herself. She has only become aware that her natural drive does not completely determine her. In this moment, she does not recognize her freedom, rather, she merely recognizes her difference from the natural drive and its lack of causal force.

Furthermore, Fichte raises the bar in these passages in terms of what is required for rationality. Recognition of one's capacity for material freedom is now a necessary condition for rationality, as is 'consciousness of morality'. Thus, rationality entails reflection above and beyond what was established in Part 1 as requisite for the intellect. It

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[142] Ibid.

[143] Ibid.

requires consciousness of one's ability to self-determine, not merely of oneself as a free intellect. Fichte's remark here suggests that morality is indeed relevant to this consciousness of self-determination, thus strengthening his claim that all rational beings must have at least some 'feeling' of morality.

Fichte's account of how the I reflects in a way that reveals its capacity for material freedom claims that in order to truly be able to act freely in the world, the I must recognize its own ability to determine itself. It must choose; and when it does, the I has an opportunity to reflect on this deed and see that it was the I itself, in fact, that made the deed come about. This awareness of the possibility of material freedom is necessary in order for a rational consciousness to be present. I-hood requires that one *posit oneself as free*, because it is this positing that allows for full freedom in the world.

What then, are we to make of the I who has not recognized such freedom? Fichte has called the protagonist of his investigation an 'I' all along, but now there is an issue; the I who has not recognized her material freedom seems not really to be an *I* at all. This is an issue to which Fichte does not give great attention. But its ramifications are clear. As outlined at the beginning of this chapter, if Fichte is claiming that all human beings have recognized their capacity for material freedom and have a feeling of morality, this would surely be false. Luckily, this is precisely what we have just seen that Fichte does *not* claim. Fichte thinks it instead obvious that some humans have not done so. These humans are indeed free because they are undetermined by their natural drives, but because they do not conceive of themselves as so, are incapable of truly self-determined choice.

The converse danger follows from Fichte's conception of I-hood as applying to only *some* of the individuals among us. A facile reading of such a claim lends itself to using 'I-hood' as a sort of ad-hominem ammunition, deriding individuals, or groups, as lacking the reflective background to truly be conscious. I think it is fairly clear that Fichte is doing something altogether different. For one, he claims, as has been covered, that from the outside, it may be impossible to tell who has acquired I-hood and who hasn't; both appear free to the Other.

For two, his remarks on the relationship between recognizing the capacity for material freedom and the moral law further emphasis the personal and highly individual nature of raising oneself to the level of I-hood. Consider this claim, immediately following the above remarks on the connection between rationality and consciousness of freedom:

> It is, however, certainly possible that consciousness of freedom and morality is at times, perhaps even most of the time, obscured and that a human being might sink to the level of a machine, and later on we will find the reason for this. Here we are claiming only that no human being could be absolutely lacking in *any* moral feeling.[144]

Fichte does not here convey a clear moment at which freedom is recognized and the moral law results. Instead, he is especially careful to respect what he appears to recognize as an avoidable vagueness of the issue at hand.

One might interpret Fichte's claim as a proto-account of false consciousness. A human who has sunk to the level of machine must certainly have overwritten a central truth about themselves, namely their freedom, with an obscuring and untrue account of themselves. His claim that no human absolutely lacks any moral feeling suggests that

[144] Ibid.

there is a fundamental way in which any human being carries with it a *feeling* of the moral law that is indeed essential to its character.

This is different from a claim that all *I's* have such a feeling; Fichte's use of 'human being' implies that this feeling is universal. This seems to complicate matters further: if no human being could be without a feeling of the moral law, how is it that some are 'free without positing themselves as free'? How can we maintain the space Fichte creates for individuals who are not aware of their freedom, and thus do not possess its material form, although he here suggests that they do in fact have a feeling of morality?

3.8 The Self-Determined Nature of Reflection and I-hood as the Completion of a Reflective Process

The key to making sense of this complex account of I-hood and reflection is found, I believe, in Fichte's set-up for his introduction of the *pure drive*. The pure drive, along with the natural drive, are the two crucial structures of Fichte's conversation about conscience. But here, in his genetic account of the pure drive's origin, Fichte makes several revealing remarks about the nature of the reflective process he has spent so much time recounting. Fichte argues for the necessary existence of the pure drive by claiming that if it is the case that the I reflects away from the natural drive, and then acts in a way differently than what the natural drive demands, there must be a *drive* that motivates this reflective act. The pure drive is a 'drive for freedom, simply for freedom's sake'. Fichte's

claim is that this drive explains why, and how, the I moves away from the natural drive at all.

But, as he has done in previous sections, after establishing its necessary existence, Fichte returns to the question of how the I encounters it. What follows is an attempt to make what we have already seen – the reflective move to material freedom and the resulting natural and pure drives that were introduced – "more intuitive."[145] In doing so, he reviews the reflective moves, first that while the natural drive is presented to the I as something completely passive and given, reflection is an *action*. As such, it is 'purely and simply' the I.

It is this point that is so important to Fichte's account. The activity of reflecting, beginning, as we have seen, with a distancing from the natural drive and resulting in an awareness of one's ability to determine oneself freely, is the I itself. Because of this, Fichte remarks:

> It is crucially important not to think of the two acts of reflection we have just distinguished as in fact separated from each other, as we have had to separate them just now simply in order to express ourselves. They are the same action. The I becomes immediately conscious of its absolute ability be means of inner self-intuition, without which an I cannot be understood at all.[146]

Considering Fichte's insistence that not all humans have posited their own freedom, it may seem perplexing that what was previously two distinct reflective acts, Fichte now cursorily stipulates are actually one, unified reflective act. In the last sentence above, Fichte suggests that this reflective act produces an immediate consciousness of the I's absolute ability, and it is clear that he is referring to the I's absolute ability to freely

[145] Ibid, 133.

[146] Ibid, 134.

determine itself. How, then, are we to understand this immediate consciousness in a way that maintains what Fichte has previously stated about the way in which different individuals carry out the reflective act?

Fichte has made clear that not all individuals recognize their full freedom in the world. It has, at this point, been unclear exactly what the nature of this state of recognizing one's formal freedom, but not one's material freedom, is like, or how it is possible. He has also stated that all individuals possess a 'feeling' of the moral law, although this has been similarly under-developed. I think there is a way to understand what Fichte says here about the unity of these reflective acts as answering these questions, although I do not think the text here speaks for itself. The clarifying addition is found in Fichte's inclusion of the idea of freedom coming 'upon the scene *for me'.* In his restatement what he takes to have already been said, he writes:

> Starting with an act of reflection, a new force comes upon the scene, a force that propagates through itself a tendency of nature. This is how we viewed the matter earlier. This new force is now supposed to come upon the scene *for me;* according to this requirement, I am supposed to be conscious of the latter as a particular force.[147]

There are two ways in which this passage addresses earlier concerns. For one, it clarifies how this single reflection could nonetheless have two components. First, a 'tearing oneself away' from the natural drive; this creates a 'new force' of freedom. At this moment, the force acts only by propagating the demands of nature, although it could do otherwise. What is so important here is the second component, in which this force becomes a force *for me;* that is, it becomes something the I not only observes in itself, but understands to actually be essential to itself. This 'pure drive' "belongs to the I" and "is

[147] Ibid.

contained in the I only insofar as the latter is a pure I."[148]. As such, the I comes to understand the ability to self-determine as rooted in a drive that it possesses. This possession is not, however, contingent. The possession of a pure drive is "grounded in I-hood as such."[149] Crucially, the I's recognition of its material freedom entails the understanding that this pure drive is the I; in other words, that its demands are rooted in the I's essential character and are thus, self given. This, of course, is the basis for Fichte's ethic of autonomy; 'self-sufficient' actions are those given to the self from the pure drive, which is, essentially, the self.

Returning to the unified act of reflection that achieves recognition of the pure drive, the reflection upon the natural drive is *completed* when it recognizes that behind this resistance to the natural drive is a pure drive, which is essential to the I. This is what makes it a unified reflective act; it is a single observation that the I then considers. Considered fully, it results in an awareness of both formal and material freedom and a full capacity to self-determine. It is one reflective act, performed to completion. Fichte writes that the ability to resist the natural drive is "first posited as a power," but that if "one considers it as something immanent within and essential to the I (which one has to do), then it is posited as a drive."[150] What I want to draw out of this is not the distinction between 'power' and 'drive', but rather the parenthetical 'which one has to do' that follows Fichte's description of how the I comes to see the drive to resist the natural drive. The way Fichte maintains the space for individuals who never recognize their own

[148] Ibid.

[149] Ibid, 135.

[150] Ibid, 134.

material freedom is by the use of this ought claim. There are individuals who do not carry out the reflective act Fichte has outlined. They "never really will, but who always allow themselves to be pushed around and driven by a blind propensity."[151] These are the individuals for whom life is merely a long dream.

The role of agency here – the I must undergo this reflective act herself and of her own volition – is a central theme of Fichte's entire ethical system, and it clarifies issues seen in our previous chapter. In that chapter, we concluded that *if* one wishes to think her freedom correctly, she must have the thought of the moral law. The idea here is the same. If one wishes to reflect fully on the sort of thing the I is, she will come to understand her freedom. Thus, what we have investigated here in Part II sets the stage for the introduction of the necessary thought of the moral law. It claims, roughly speaking, that if one takes it upon herself to investigate her own I-hood, she will recognize her ability to self-determine. Once this is done, if she wants to understand this freedom correctly, she will necessarily think the moral law.

This passage also goes some way toward clarifying Fichte's thinking on the issue of who possesses I-hood and who does not. It must, at this point, be granted that Fichte saw I-hood as aspirational. If I-hood requires a reflective awareness not all individuals have, certainly not all individuals have it. Nonetheless, it seems contrary to the spirit of Fichte's work to suggest that he would grant that some individuals, by virtue of this failing, are not conscious at all (despite this occasionally seeming to follow from his claims.) Fichte's language shifts as he proceeds toward speaking of 'I-hood' as he begins discussing the pure drive. I think this is telling. Given this shift, I-hood could be interpreted as something not all individuals possess, or that not all possess to the same

[151] Ibid, 131.

degree. This allows us to read 'full I-hood' into Fichte's discussion here. And because of the distinction between full I-hood and minimal I-hood, consciousness, if by consciousness we mean the raw ability of the intellect to be aware of the world, is protected from such stringent requirements. It remains something we must grant to all individuals we encounter – not just the ones who have posited themselves as free.

This, as I have noted, appears to conflict with some of Fichte's earlier claims: consider his claim that those who have not reflected upon the material freedom of their free reflecting "do not possess any consciousness, properly speaking."[152] This is a case where some – charitable – interpretative work is necessary, but Fichte seems himself aware of the need to hedge. If we take the phrase 'properly speaking' to be deliberate, we may assume that Fichte did *not* want to suggest that individuals who do not posit their own freedom are not conscious *at all.* We may instead interpret this 'consciousness properly speaking' phrase as appealing to a concept of full I-hood; in which the I has fully comprehended itself in the way that it ought.

3.9 Stages of Self-Sufficiency

Perhaps the strongest support for this interpretation comes later in *The System of Ethics*, in §16, which addresses "The Cause of Evil in a Finite Rational Being." The discussion here takes place directly after Fichte's work on conscience and conviction, which I focus on in the next chapter. I bring up the remarks of §16 here, because they offer clear evidence of the role of reflection in the experience of an individual I. This is the final point I wish to make in this chapter, and arguably the most important for my overall project. Reflection is what moves an individual toward greater moral perfection,

[152] Ibid.

and in this section, Fichte is clear that it is both completely volitional and also necessarily tied to one's status as an I. What is also clear is that this moral improvement fundamentally changes not only one's ability to access the moral law, but the very nature of this access.

Self-sufficiency is unquestionably something that one must strive for. Choosing moral action is, in Fichte's account, a choice on the path toward greater self-sufficiency in the world. Self-sufficiency is always aspirational; no human, because of her natural drive, is able to achieve it completely. The details of this concept are fleshed out in the next chapter, and the passage I refer to here is returned to in greater detail. For now, I only highlight a few of Fichte's remarks that support my account.

Fichte lays out four 'stages' of self-sufficiency in this section, and scholars have given this renewed attention in recent work.[153] These 'stages' serve effectively as a recap of the reflective work on the path to material freedom that Fichte presents in Part II. The first is precisely analogous to the point at which an individual *is* free, but does not posit oneself as so. This individual acts only in line with her natural drive, in other words, she obeys her body whole-heartedly. Such a person, though they act in the world, has no actualized capacity for self-determination. This individual is, however, free, "so long as he acted with consciousness and not mechanically; for the ultimate ground of his acting would not be his natural drive, but rather his consciousness of this natural drive."[154] Consciousness of the natural drive here refers to consciousness in only its barest form; what is required simply for recognizing a demand by the natural drive and acting on it.

[153]See again Breazeale "From Autonomy to Automata" (2016); also Ware, "Agency and Evil in Fichte's Ethics" (2015).

[154] SE, 129.

As we have seen, this formal freedom does indeed require an initial act of reflection; the bare activity of the I that Fichte posits as the I's self-activity, akin to Kant's transcendental unity of apperception. This is confirmed by a passage from an unpublished lecture "Ascetics, as an Appendix to Morals," in which he writes that there are in fact certain individuals who do not even possess this formal freedom; very young children, "idiots and cretins," and those raised by animals.[155]

If the individual reflects on the natural drive, as we have seen, a "new force comes onto the scene." This new force is "the power to select between multiple ways of satisfying the natural drive."[156] This is simply the 'first' act of reflection that Fichte presents in Part II. In Part III, he notes explicitly the *ought* nature of this act. "It ensues because it ensues. It *ought* to ensue because the empirical I ought to correspond to the pure I, but it does not *have* to ensue."[157] And he frames this act of reflecting a tearing away of the self, a metaphor we are now familiar with. ."..*the individual tears himself loose from the natural drive by means of reflection and positions himself as a free intellect independent of the natural drive."*[158] The individual, then, simply and freely begins to consider her natural drive, and this very act of reflection places a distance between herself and that drive.

In this 'second stage', however, the individual has not yet come to understand any alternate criteria for choosing one's actions apart from the natural drive. Much like the state of 'indeterminacy' we saw immediately following the first act of reflection in Part

[155] Gesamtausgabe II/5, 68.

[156] SE, 170.

[157] Ibid, 169.

[158] Ibid, 170.

II, in this stage the individual is aware of the fact that the natural drive does not determine her completely. But she knows no other way of choosing. Thus, the individual still chooses based on bodily pleasure. But she is able to delay the satisfaction of the natural drive, and can postpone this pleasure-fulfillment. We might characterize this movement from the first stage to the second stage as a move from 'animal' to *'intelligent* animal', as Breazeale does. In his recounting of this stage, he writes:

> At this point, of course, there is nothing in the consciousness of the individual we are observing but his natural drive, a drive that aims at pleasure and satisfaction. hence, he will inevitably but "freely" choose as his maxim some rule for maximizing his own happiness. And in this way he becomes more than he was before: an *intelligent* animal.[159]

The move from the first to the second stage then is small but significant; though both result in an individual who chooses according to his own pleasure, in the second stage, the individual has become aware of the rubric according to which he is choosing (he knows he is choosing based on his pleasure). This seems to be the stage Fichte considers typical of the average human individual; more than mere animal, but not possessing full I-hood.

The transition into the third stage of self-sufficiency represents the break between the first reflective act and the second that we saw Fichte make use of in Part II. In other words, the reflective act that raises the individual to a third stage of self-sufficiency is the beginning of the what Fichte called the 'second' reflective act in Part II. It is the act that grants the individual awareness of her potential for material freedom. But, as with all other reflective acts, this happens freely, and as result, does not necessarily reach its logical conclusion. The third stage of self-sufficiency occurs when an individual reflects upon her capacity to set ends for herself, but does not follow through completely. What

[159] Breazeale, "From Autonomy to Automata," 28

results is an individual who Breazeale labels a 'rebel without a cause'; an individual who recognizes her own self-determination, but who sees the moral law as supererogatory, rather than intrinsic to this self-determinative process. The individual at this stage sees that she is capable of self-determination, but misunderstands what this self-determination entails.

This happens the following way. As Fichte describes it here, the individual, by reflecting further on the act of choosing in the world, will have another insight. The very act of choosing represents something previously unrecognized within her; her freedom. In this stage, the individual recognizes that although she has been all along choosing in accordance with her natural drive, she is nonetheless the agent behind this choice. She is enacting herself in the world; determining herself according to her own volition. Reflecting on this grants her awareness that there is something else within her aside from the natural drive. Her freedom is this new addition.

But at this stage, her awareness of the nature of this freedom is incomplete. At this third stage, the freedom of the agent is "lawless." Ware explains:

> What is characteristic of Stage III, for Fichte, is that an agent does not give full attention to this new drive. He is aware of it, but only obliquely — and for that reason it appears to him as something contingent, as if it belonged to his nature 'for no higher reason'.[160]

At this point, the individual sees her freedom, but does not fully recognize its true association with the moral law. Thus, the first way that the 'pure drive' of the I is encountered by the individual is in the form of a blind drive for freedom. This maps onto what Fichte has said in Part II about the act of reflection that makes one aware of one's material freedom. At this point, one is aware of this freedom, and is also aware that this

[160] Ware "Agency and Evil in Fichte's Ethics," 4.

freedom *is* the I itself. But morality has not yet entered the picture. It takes a final act of reflection to properly understand this freedom as bound by the moral law. Thus, individuals who become aware of their own capacity for material freedom but who do not see accurately what this requires are, Fichte's view, especially irrational. They have their own freedom as their end, but the freedom they posit is a lawless one.

In stage four, the moral law finally manifests itself to the I. If the individual reflects fully on her drive for self-sufficiency, she will come to understand it as tied essentially to her own rationality and her essential character. This is the tie we first encountered in Part I; that the essential character of the I as a tendency toward self-sufficiency produces the necessary thought of the moral law *if* one reflects on her freedom properly. Fichte writes:

> A human being has only to raise to clear consciousness this drive to absolute self-sufficiency – which, when it operates as a blind drive, produces a very immoral character – and then, as was shown earlier, simply by means of this very act of reflection, this same drive will transform itself within him into an absolutely commanding law…The human being in question now knows that he absolutely ought to do something.[161]

What is especially important regarding this final stage of self-sufficiency is that it is only here that the moral law presents itself as an unbinding duty. In one of the most striking statements of this, Fichte writes:

> It is absolutely impossible and contradictory that anyone with a clear consciousness of his duty at the moment he act could, in good consciousness, decide not to do his duty…[162]

[161] SE, 181.

[162] Ibid, 181-182.

The way that the moral law is experienced to something fully capable of experiencing it, then, is as a completely binding duty. And furthermore, as Fichte continues, it is clear that this bindingness rests precisely upon the I's own recognition of the duty's *self-given* status:

> To say that a human being is clearly aware of his duty means that he, as an intellect, absolutely demands of himself that he do something; to say that he decides to act in good consciousness contrary to his duty means that, at the same undivided moment, he demands of himself that he not do the very same thing. At one and the same moment, therefore, these contradictory demands would be placed upon him by one and the same power – a presupposition that annuls itself and involves the clearest and most patent contradiction.[163]

This passage will be of special importance in the next chapter, as I endeavor to understand how this account of the I's reflective process fits together with Fichte's account of conscience. This passage suggests that it is only those who reach the final stage of self-sufficiency who are capable of having a feeling of conscience at all. But it is not clear that Fichte thought the majority of humans ever reach this level of reflective awareness. Are we then to conclude that most human individuals are incapable of truly moral action?

3.10 The Role of Individual Reflection in Achieving Self-Sufficiency

At this point, I focus on the way Fichte uses reflection to move the I toward this final stage. The way Fichte presents this moral progress here is noteworthy for two reasons. One, it emphasizes the continuity of this reflective process without making the process itself an inevitability. And two, in maintaining this process as exactly *not* inevitable,

[163] Ibid, 182.

Fichte reminds readers continually that the completion of this reflective process is the burden of the agent's own free choice. Regarding the first point, it is clear how the two reflective acts from Part II are actually one. The process of self-reflection here is a single progression, with a specific trajectory. But it may be arrested at any point along the way. This results in an individual who is conscious of only part of what is actually the case. The truth of the individual remains the same; each human being *is* a free being with a natural drive and a pure drive. But the individual must come to recognize this through her own reflective work.

Fichte is quite clear that this individual work, if undertaken, will proceed according to the path he lays out. He is also clear that one has an obligation to undergo such self-reflection. Throughout his account, he remarks frequently that *why* some proceed down this reflective path and others do not is ultimately inexplicable, though he does offer interesting commentary on some of the philosophies and social conditions that facilitate such arrested reflection. He also remarks frequently that despite this, the individual is nonetheless responsible for her lack or possession of reflective awareness. Failing to raise oneself to recognition of the moral law is a *moral* failing in and of itself, and one that falls squarely on the shoulders of the individuals. This is to be expected, for Fichte has emphasized throughout that though some individuals may not be aware of it, they are nonetheless free. The issue here, of course, is notoriously difficult. Can we justifiably hold someone accountable for not acknowledging their full freedom, if they are not yet fully free? Fichte clearly suggests that we can. However, he himself is aware of the difficult nature explaining moral improvement, calling it both 'mysterious' and 'a miracle'.

3.11 Conclusions

Here are two passages that set up what I argue in the subsequent chapter. Here, Fichte reveals that this reflective work is *not* a singular event. Nor is it the case that one achieves a level of reflective awareness that produces the moral law within herself, and then ceases to self-reflect. Instead, Fichte's account in these pages reveals that moral deliberation itself requires the very process he has just presented. In this passage, Fichte is addressing the possibility of freely choosing evil. In his explanation, he writes that it is incoherent to imagine an individual having a clear consciousness of his duty and then choosing not to do it.

> Such a maxim would be diabolical; but the concept of the devil is self-contradictory and therefore annuls itself. – We can prove this as follows: to say that a human being is clearly aware of his duty means that he, as an intellect, absolutely demands of himself that he do something; to say that he decides to act in good consciousness contrary to his duty means that, at the same undivided moment, he demands of himself that he not do the very same thing.[164]

The importance of this passage for Fichte's explanation of evil acts cannot be understated. Here, however, I wish only to call attention to the emphasis Fichte places on the origin of moral duty. Full recognition of moral duty involves a recognition of a *self-imposed* demand; this is the core of what makes freely acting against duty incomprehensible. In other words, if one has truly gained consciousness of what duty demands, this involves the duty coming *from the self,* and an awareness of the origin of the duty in the I. It must be encountered in consciousness as something the I demands of

[164] Ibid.

itself.

Finally, Fichte notes the importance of reflection for achieving this full moral awareness. He writes:

> It is, however, quite possible for one to *render obscure* within oneself the clear consciousness of what duty demands; for such consciousness arises only through an act of absolute spontaneity, and **it endures only through the continuation of this same act of freedom. If one ceases to reflect, then this consciousness disappears**. (The case here is the same as it is with many of the concepts of transcendental philosophy: as soon as one descends from that higher point of view, from which alone these concepts are possible, they vanish into nothing.) The situation is thus as follows**: if one constantly reflects upon the demand of the law, if this demand always remains before one's eyes, then it is impossible not to act in accordance with this demand or resist it**. If the law disappears from our attention, however, then it is impossible for us to act in accordance with it.[165] (Bolded emphasis mine)

What allows an individual to recognize and obey the moral law, then, is a continual process of self-reflection. The way in which one's freedom is bound by the moral law must continually be in one's consciousness; 'before one's eyes.' What I bring attention to in the next chapter is the way in which this impacts Fichte's account of conscience, for I think it is important to adequately for this presentation that readers recognize the fundamental way in which recognition of duty requires a specific self-understanding.

To conclude, in this chapter I have emphasized the way that the nature of one's I-hood is tied to self-reflection, and argued that Fichte believed that until reflective work had been done, one is not truly an I, in the 'full' sense, at all. This account suggested that full I-hood was an aspirational concept, and differentiated it from mere consciousness. This normative concept of I-hood, as something that one must aspire toward, is, in my view, maintained by Fichte throughout his work. In his treatment of conscience and the

[165] Ibid.

summary of 'stages' of self-sufficiency we saw here, Fichte refers to individuals simply as 'human beings', dropping the concept of I-hood nearly completely. The relationship between I-hood and conscience, which is the focus of my next chapter, is as difficult as any. Fichte must, and I believe he can, accommodate imperfect, less than full-I's in his account of moral deliberation. But he is clear that one must be *more* than 'minimally' and I in order to undergo such a deliberative process. His stages of self-sufficiency offer, as I outline below, a clue as to how he might carve out such an intermediate space.

I suggested as well that the personal nature of one's path to I-hood prevents it from being used in a social harmful way; to applaud certain individuals for reaching a higher status and denigrate others as non-I's, for example. Perhaps the most fundamental way Fichte avoids this issue is by placing the structures of I-hood in all individuals. All human beings are free and possess the ability to recognize this freedom (difficult questions about non-normal cases and the parameters of this 'all' aside). Likewise all human beings *ought* to reflect on this condition. However, the fruit of this reflection must be maintained by the I's own continued work. In my reading, I-hood is not a stable achievement or a permanent designation. Rather, it is something manifest when individuals achieve clear consciousness of the moral law; stage four of self-sufficiency. But such clear consciousness can, as he says, always be obfuscated. Through laziness or deliberate obfuscation, one may surrender her clear consciousness of her duty and thus render herself less of a full moral agent; less of an I.

I have also emphasized the way that reflection is not only integral to becoming an I, but also for successful moral deliberation (which of course, is fundamental to being an I). This is done in preparation for my next chapter, but it also reveals an important point.

Fichte understood I-hood to entail moral progress, and vice versa. The process of reflecting in order to raise oneself to the status of fully rational I with 'consciousness properly speaking' is the *same* reflective process that brings about moral obligation and the ability to obey one's duty. This sets up moral action as fundamentally grounded in self-reflection. This self-reflection, as we have seen, must be done by the individual, is necessarily a free, agent-driven activity, and may or may not transpire. As outsiders, we do not have the privilege of directly observing to this internal process; as Fichte notes, there is no method by which Others recognize who has raised themselves to the level of freedom and who has not.

CHAPTER FOUR: Reflection's Role in Moral Deliberation

4.1 Introduction

In this chapter, I present my account of how the work of reflection is integrated into Fichte's account of conscience. As we saw in the prior chapter, Fichte understood moral development to rely on a reflective act, undergone freely by the I. We also saw that not all individuals undergo this reflective act, or at least not completely. For Fichte, conscious human beings who act in the world may be only partially aware of their own freedom. Because of this, they may be only partly aware of the duty the moral law presents to them. And yet, Fichte claims that awareness of one's duty – in other words, one's capacity for material freedom – is something that only the individual can measure within herself. And it may be the case that most individuals have not raised themselves to the level of what I called 'full I-hood' in the last chapter; that is, the level of consciousness that allows one to act with material freedom.

It is an act of self-reflection, although a complex one, that allows the I to see itself for what it truly is; free insofar as it is bound to its own, self-given law. This is the moral law, although as we will see, Fichte argues that we experience this not as a law, but through a *feeling of conscience*. However, if this reflective process stops before its conclusion, the individual, though still *formally* free insofar as nothing outside of the I ultimately grounds its choice, misunderstands her own fundamental nature. Because of this, she is incapable of *materially* free action.

In the stages of self-sufficiency outlined in the last chapter, Fichte describes three specific points of self-awareness that the I may prematurely settle on, each of failing to

see the true nature of the I. The I may see itself as bound by its natural drive, it may see itself as free but with only the natural drive as a guide for action, or it may see itself as independent from the natural drive but un-bound by the moral law. All of these prevent the I from acting in a materially free way; in other words, from determining its actions according to its own freely given law. What is so important about Fichte's description of these 'stages' is precisely their inaccuracy; though they are the I's own genuine self-conception, they overlook something fundamentally true about the I. Thus, they represent self-conceptions that are wrong, though the I, at that stage, is unaware of this inaccuracy. They describe I's who fundamentally misconstrue their own nature to themselves. As a result, these I's are able to freely govern themselves in only a diminished form.

In this chapter, I am primarily concerned not with diagnosing what goes wrong in such individuals. Nor do I focus on Fichte's theory of education or his remarks on the crucial role of the Other in bringing someone to full reflective awareness of herself. These aspects are surely crucial to Fichte's project, as they are to gaining a full picture of how the reflective process Fichte describes occurs in a world of acting beings. One of Fichte's particular strengths is his inclusion of inter-subjective conversation and the Other, into his account of how one comes to moral agency at all. There is certainly much to be said about the way reflection relies upon cultivation, education, and most fundamentally, recognition of the Other.

Yet, the scope of this chapter focuses narrowly on the technical reflective progression of the self toward agency. In *The System of Ethics*, Fichte suggests that knowledge of why some undergo this reflective process, while others do not, is necessarily beyond our grasp. It must remain a mystery why, given two people with

similar circumstance, one may choose to raise herself up via reflection while the other does not. Later, after Fichte's move to Berlin, his *Addresses to the German Nation* offers an account of how an individual might be led through this reflective path, and he controversially suggests that this entails initially "annihilating" their freedom altogether. Fichte explains that one may require a removal of their "lawless" freedom in order to rebuild them as self-legislating, morally bound individuals. This theory of education is indeed extreme, but it points toward the fundamental distinction Fichte makes between 'formal' and 'material' freedom, Fichte maintains the *formal* freedom of the individual throughout such an 'annihilation' of freedom. Fichte believes that each of us have the capacity to raise ourselves to the level of moral agency, and thus, regardless of circumstance, are ultimately responsible for doing so.[166] But education, through a removal of material freedom, may allow the individual an opportunity to re-shape herself in accordance with her true nature as essential self-determining.

This account focuses on I-hood as it pertains to the I's deliberative effort to establish and act on her duty. Fichte does not go in to great detail about the way his genetic account of the I's path to material freedom impacts his account of moral deliberation, although some aspects of this relationship are fairly clear. In this chapter, I offer my own presentation of how to address some specific features of this relationship.

The distinction between 'minimal' and 'full' I-hood I introduced in the last chapter ought to inform any complete understanding of Fichte's account of moral

[166] For a thorough analysis of Fichte's later remarks on this process, see again Breazeale's "*From Autonomy to Automata*?" Breazeale's thesis, as mentioned above, is that Fichte's argument in *Addresses to the German Nation* is in line with his Jena-era work, despite the appearance of a shift in thinking about the nature of moral cultivation.

deliberation. The reflective movement focused on in the last chapter is Fichte's genetic account of moral progression. It is a particular strength of Fichte's philosophy that he does not presume fully rational moral agents before outlining his ethic. Instead, he offers a philosophical account of how each of us must become a capable moral agent; through the reflective process that raises one from blind obedience of the natural drive to an understanding of the self as bound by the moral law. This progression is a necessary one for any agent to perform an action of moral worth.

I argue here that this reflective process is a part of moral deliberation, not just a backdrop to it. To be sure, reflective work must be done before one is capable of acting morally at all. This is the key feature of Fichte's account of I-hood. But making sense of moral failing in the context of the previously outlined stages of self sufficiency is most coherently done by, I suggest, incorporating Fichte's genetic account of moral progress into his account of moral deliberation. My claim is that one can make better sense of Fichte's account of both moral deliberation and moral failing when a full picture of his concept of I-hood is read into these aspects of his work. My work here, then, tries to more fully flesh out the unity of Fichte's work in *The System of Ethics*, by interpreting his account of conscience in light of what he has already said in preparation for this concept.

I focus on two ways that Fichte's account of I-hood clarifies his account of moral deliberation. Both of these focus mostly on the move Fichte outlines from 'stage three' of self-sufficiency, when the moral law is viewed as supererogatory and the I is blindly free, to 'stage four', when the moral law is correctly viewed as an extension of self-legislation. In fact, this turns out to be, in my view, the location of much of the moral failing Fichte describes. I take the reflective progression that brings one from recognizing a capacity for

freedom to recognizing this capacity as correctly requiring the moral law to be particularly fluid; that is, a project that the I must constantly return to. At the end of this chapter, I look at several passages in which Fichte seems to confirm as much.

Because of this, I first argue that one ought to understand deliberation as inclusive of this reflective process. That is to say, I think cognitive process by which one considers *what* one ought to do entails a cognitive reflection upon the nature of the moral law as self-given. At present, it remains to be seen exactly why such a reflection upon the essential character of the I as bound by the moral law would be necessary within specific acts of deliberation. But as I will explain below, Fichte frequently locates moral failing in the individual's misconstrual, deliberately or not, the normative force of duty. Whether it is because we are - as Fichte sometimes suggests - lazy, or because we actively seek such a misconstrual, immoral action occurs when one misunderstands one's relation to duty. This happens, in Fichte's account, not only with regard to an abstract notion of 'duty as such'; it occurs perhaps even more frequently in specific moments when one encounters a specific duty in a situation and does not relate to it appropriately.

Adequate moral deliberation, then, must involve reflection upon the very nature of the self as bound by duty, in order to assure that one is conceiving of one's boundedness to this or that specific material duty, appropriately.

My argument that reflection must be integrated into Fichtean moral deliberation is based upon a specific interpretation of Fichtean conscience, one influenced most heavily by Allen Wood's recent and unique account in *Fichte's Ethical Thought*.[167] Wood draws a strong distinction between the theoretical process of applying the 'ethical drive' to material situations, and the feeling of conscience that indicates to the self that a certain

[167] Wood, Allen. *Fichte's Ethical Thought*. (Oxford University Press 2016)

action is morally required (as we will see, all actions for Fichte are either morally required or prohibited). While Fichte notoriously portrays conscience as unassailable, Wood argues that he also clearly acknowledges that the rational deliberation about what to do is never finished; one can never know with theoretical certainty that an action is the correct one. Thus, the certainty of conscience is *subjective*, and it is product of, in Wood's view, the unavoidable practical need of an agent to *act.*

Wood's presentation of moral deliberation suggests that conscience serves the role of allowing us to have a conviction about what a specific situation requires despite never having perfect knowledge of these situations. We are, as finite individuals, incapable of *theoretical* certainty concerning our duty in a specific situation. What we are capable of is *subjective* certainty; this takes the form of conscience within an individual. Full material knowledge of our situation, complete rational understanding of it, and full reflective understanding of the moral law, would in Fichte's view, allow us this theoretical knowledge of our moral duty- but these requirements are all unobtainable. As limited individuals, we are able to acquire only a finite perspective on each. This is why we can never have theoretical certainty about what material action duty requires – nonetheless, we must act. Conscience is what provides motivation to act despite this finite situation. It is what provides the I with certainty that it is acting freely within the confines of its own situated-ness.

In my discussion of self-reflection, I argue that neither are we generally able to gain full reflective knowledge of our own moral boundedness, *even* after we have the sort of understanding Fichte describes as the fourth stage of self-sufficiency. This may seem like a strong claim, but if such full reflective knowledge were possible, such an agent

would always act morally, as she would necessarily understand, in every case, the full force of her duty and would thus not will against it. The reality of our situation, however, is that we are continually in need of the sort of rehearsal of reflection that I described above. This is the true consequence of the aspirational quality of I-hood I outlined in the previous chapter. We, as finite individuals, are always striving to accurately understand ourselves as morally bound individuals. If this were not a struggle, it would not be a struggle to act according to our conscience, and we would never fail to do so. The nature of reflection is then, a product of the very way that our freedom reveals itself to us as finite individuals. Our universality, that is, our pure freedom, is experienced only concretely by ordinary consciousness. Likewise, the moral law, In Fichte's account, is not experienced as universal law, but rather as specific, concrete demands. Breazeale explains this, writing:

> On Fichte's account, moreover, my actual, practical (as opposed to my abstractly philosophical or purely theoretical) awareness of my "universal" nature as an I – that is my awareness of my *freedom* or of my drive to absolute self-determination – is *always* connected with my awareness of a moral obligation. Such practical self-awareness is always *concrete* and *particular*. Furthermore, it is not an awareness of any general moral principle or law, but rather, of a specific, concrete duty in precisely *this* situation, a duty that, as such, pertains only to me as an individual I (though it would also apply as well to any other I in precisely the same situation), but a duty ultimately grounded not on anything particular or individual about me, but rather in a universal demand that I discover within myself.[168]

My claim, put in these terms, is that reflection upon the I's own moral boundedness is a way of viewing this universality; and that recognition of this universality is requisite for experiencing something as a duty. We encounter the moral law via particular, concrete demands that we must choose to act on *or not*. I think this

[168]Breazeale, Daniel. "In Defense of Fichte's Account of Ethical Deliberation" *Archiv für Geschichte der Philosophie.* Vol. 94 No.2 (2012), 191.

choice is made clearer by reflecting on the nature of I-hood as requiring moral-boundedness. One way of restating this is to say that it requires recognition that duty is ultimately grounded in something universal about us; our essential character as a tendency toward absolute freedom, the way in which being free itself requires moral action.

The final way I integrate reflection into moral deliberation itself is to suggest that it is fundamental to the very application of the end of self-sufficiency to concrete situations. In this way, self-reflection not only allows us to see duty's normative force. It actually allows us to more clearly see the material content of this duty. As the account of conscience below demonstrates, the ethical drive brings together the material of the natural drive with the 'form' of the pure drive. This 'mixed drive' provides positive content about what a situation demands. It does so via a rational process. Each situation requires rational deliberation about what to do, and this process appeals to some standard, made evident to consciousness via the ethical drive. In this way, Fichte is not attempting to create an ethical system in which reason plays no part. Rather, I take his aim to be to give a superior account of how the reason-based system offered by Kant is experienced within ordinary consciousness. It is experienced through a feeling of conscience that indicates that this rational process has hit upon the action that fulfills the demands of the original drive; in other words, the moral law.

It may seem strange, perhaps even narcissistic, to suggest that reflection upon the self could better enable one to understand their external material conditions. But I am not suggesting that Fichtean moral deliberation involves only a navel-gazing assessment of the world as it pertains to me. To the contrary, I think Fichte's view of moral deliberation

is that it ought to implore one to step outside of one's own perspective, in order to more accurately assess the material reality of the situation. This process of adequately grasping the situation as it is, *not* merely how it seems to me, is precisely demanded by the ethical drive. Furthermore, I argue below this skill; the ability to understand the normative facts of a situation, allows one to *more reliably* get it right about duty in the theoretical sense. Although, as Fichte reminds us, it is impossible to know ultimately whether this theoretical determination of duty is correct, I think there is a way to understand the ethical drive that allows for improvement of one's ability to approximate this theoretical accuracy.

In the last chapter I argued that full I-hood must be understood as aspirational in order to make sense of Fichte's account, simply because Fichte suggests that so many individuals do *not* reach the level of full reflective awareness that constitutes I-hood as he defines it. As a consequence of this, not all individuals are able to act in a *materially* free way; that is, they are unable to determine themselves according to their self-given duty via the moral law. The question I investigate in this chapter is whether Fichte must commit to the claim that only those who have achieved full I-hood capable of having the sort of 'feeling' of conscience that is requisite in Fichte's account of ethical action?

Fichte certainly claims that certain individuals are incapable of moral action due to their lack of self-reflection. Still, Fichte appears quite aware that feelings of conscience happen within finite I's of an imperfect nature. Who, then, specifically are the individuals who are able to act morally? What is the last 'stage' of self-sufficiency if not full I-hood?

A straightforward interpretation of the relationship between the 'stages' of self-sufficiency discussed in the last chapter and moral deliberation is that these stages lie prior to engagement with the concept of conscience. Individuals must, then, be at the highest stage before a conviction of conscience could be had. In one sense, this is accurate. Fichte certainly believes that one must have fully reflected, and recognized the bindingness of the moral law, in order to act in a materially free, and therefore moral way. A feeling of conscience is required for material freedom. But I think the relationship between conscience, reflective self-awareness, and free choice is more complicated than the account above suggests. Here, I offer my account of this relationship. The reason I believe it is necessarily more complicated is that even those who have completed the act of reflection we analyzed in the last chapter are *fallible*; they are not from this point on destined to act morally. Indeed, for even these individuals, each and every action requires a *choice* about whether to obey conscience or not. I think part of this choice is precisely the choice to recognize duty as such, *or not;* and thus, whether to have a feeling of conscience, or not. Recognition of duty's bindingness is does not occur at a single temporal point that allows an individual to experience feelings of conscience in the future, at which point full moral agency is born. Rather, it must constantly be re-recognized, as part of the very process of choosing one's actions.

4.2 The Ethical Drive and the Original Drive

My approach to interpreting the relationship between I-hood and conscience begins with a distinction between the deliberative process that determines duty via the 'ethical drive', and the feeling of conscience that is grounded in the 'original drive' and indicates to the I a harmony between an action and duty. The ethical drive is a cognitive drive to seek out an action which best satisfies one's duty. It rationally weighs available options for actions, and seeks to fulfill one's duty as best as possible. The original drive is the pure drive and the natural drive seen as one. As we have seen, reflection upon one's freedom reveals the categorical demand to subordinate the natural drive to the pure drive. This is a demand because this is how the I becomes more like its essential character; more like its absolute self-activity. The original drive, then, is a drive to become more like what reflection reveals is essential about the self; in other words, it is a drive to become more free. When one discovers how to do this via a material action in the world, the original drive produces a feeling within the individual; this feeling of *harmony* is *conscience*. The original drive is unique in that it reveals an internal harmony within the self. It indicates to the self that it is properly uniting its pure drive with its natural drive. It indicates to the self that it is, at the moment of action, acting in a self-determined way. The original drive says to the I that in the moment of action, the self will be unified with itself.

4.3 Conscience and the Possibility of Evil

My account avoids portrayals of Fichtean conscience as fanatical, closed to questioning, and overly confident, by grounding it in rational deliberation. It avoids concluding that moral action for Fichte is nothing more than an individual feeling of being justified in her action – Fichtean conscience is not a self-righteous sort of confidence in her own intuition. The distinction between the theoretical certainty about one's duty, a certainty which alludes us, and the sort of certainty conscience provides, a subjective certainty about how one must act despite this lack of theoretical certainty, makes it possible to avoid such problematic portrayals.

Of course, Fichte does say that a feeling of conscience can never be wrong. This claim is deceptive in its seeming simplicity; what exactly does Fichte mean when he claims that a conviction of conscience is 'unerring'? What must occur in order for a 'conviction of conscience' to be present in the self? Answers to these questions are not always clear. I offer my interpretation below.

Fichte must also be able to maintain the possibility of immoral action, which he explicitly says is indeed possible. How to understand evil in Fichte's system is fundamentally a question of freedom. Fichte is clear that humans are free 'all the way down'; even those unaware of the moral law, those with what I have called 'minimal I-hood', are the ultimate cause of their actions and thus fundamentally responsible. His distinction between formal and material freedom allows him the conceptual space to make such a case, while still maintaining that completely self-determined free choice requires obeying the moral law. Because of this, Fichte's account of moral responsibility is fairly straightforward; no matter the reason for failing to act on one's duty, this is

ultimately a choice that the individual freely makes. Thus, individuals are responsible even when their own moral insufficiency is a product of external conditions over which they had no control. Fichte is clear that we must hold individuals responsible for their choices, even when their lack of moral capacity is perfectly predictable.

When Fichte diagnoses evil action, he remarks that it often happens that individuals lose, by either forgetting or covering over, insight into what duty demands. In his remarks on self-sufficiency's 'stages', he says that it is possible for individuals to revert to a previous stage due to laziness or thoughtlessness. I argue that these reversions share the same root cause, and that Fichte was referring to the same act of 'covering over' for both. I think these remarks get at the changeable, temporally located, and highly 'personal' nature of Fichtean I-hood; one's capacity for material freedom may be far from a permanent achievement. Taken together, achieving the final stage of Fichte's reflective progression may be something each of us must do time and again. And 'full I-hood' as I described it in the last chapter, may be something we acquire only in the moment of moral action; not a static stage we rest upon once our reflective work is done.

What follows below is my account of conscience and moral deliberation. As I present it, I demonstrate how it supports the interpretation I have presented above. The conclusion of this chapter looks to some remarks Fichte makes in §16, on evil, that I think confirm my account plainly. Here, Fichte discusses three specific ways that a consciousness can obscure its duty, deliberately or otherwise. Each of these is, ultimately, a failure of reflection. Each of them also offers Fichte the opportunity to emphasize the need for reflection at each decision, and the ease with which our duty is lost to us. Fichte's point in this section is that for finite rational beings, becoming aware of and

acting on duty is difficult; a mental feat that we often fail to achieve. Most notable for my account, he makes a distinction between individuals who are even capable of attempting such a feat and those who aren't. From there, it is clear that Fichte understood that final stage of self-sufficiency, in which one recognizes fully the normative force of a duty, to be reached via a particularly challenging final reflective struggle. The nature of this struggle is confirmed by Fichte in these remarks; it involves conflicting incentives within a being, and ultimately a choice about whether to view the demands of duty as dispensable or not.

4.4 Fichtean Drives: The Original Drive, The Pure Drive, The Natural Drive, The Ethical Drive

In Fichte's initial presentation of his concept of 'conscience', he outlines it in contrast to the fulfillment of our natural drive, which he says we experience as a longing. His general idea is this: every individual possesses a natural drive that makes demands upon us. These demands are experienced as a feeling; the feeling of longing for one particular thing or another. When this longing is satisfied, we feel pleasure because of the resulting harmony of "what is actual with what is demanded by the drive."[169]

We have seen now that individuals, simply by virtue of being conscious, are not captive to this drive. The I is capable of rejecting or postponing the demands of the natural drive in any instance. Fichte wonders openly how to explain this capacity; what grounds the I's ability to act against its natural demands? Fichte's answer is to posit the pure drive; a drive the I possesses for absolute freedom, or complete self-sufficiency in

[169] SE, 137

the material world. The pure drive explains the I's rejection of the natural drive and also provides the basis for the I's decision about what to do, given its ability to reject the natural drive. This is because of two key facts, both of which are now familiar. The first is that the I, simply in acting, is *choosing* its action, even when it assents to its natural drive. This is the I's formal freedom, present in all choice. The second is that since this choice is always present, the I needs a new standard for action; simply following the natural drive is not sufficient, because it need not do so. Since it may refuse, the I must have a way to determine whether to do so or not. It needs a new standard for choice in general.

This standard is, of course, the moral law. And this framework is why Fichte calls the natural drive the 'lower power of desire' and the pure drive the 'higher power of desire'. The pure drive is inherently *over and above* the natural drive, simply because it is the root of the I's own freedom.

We have seen as well that the I's essential character is its own tendency toward absolute self-sufficiency. Here, Fichte makes it clear exactly why this is so. The I's essential character is this tendency because the I's initial act of freedom is grounded in just this tendency, here attributed to a 'pure drive'. And this initial act of freedom is the basis for consciousness itself; this is the conclusion investigated in Chapter One from the *Grundlage*. Thus, that law which governs this free choice is inherently superior to the demands of the natural drive. This is because consciousness, and thus I-hood, is directly grounded in it via its initial reflection on the natural drive.

Fichte contrasts the way the I experiences the demands of the pure drive with those of the natural drive. Whereas the natural drive is *felt* through longing, the pure drive

is *intuited.* In the case of actions chosen on the basis of the pure drive, "the I is not being driven but drives itself."[170] This qualitatively changes the way the I encounters this drive. When the pure drive motivates action, the I "intuits itself as it is engaged in this act of driving itself."[171] Because the pure drive is so closely connected to I-hood, Fichte says that its demands "stand out more sharply in consciousness" than those of the natural drive. Fichte's claim here is that the pure drive is experienced *as the self* in a way the natural drive is not. It is experienced as a fundamental feature of the I. Reflection reveals to the I that the pure drive is what confers upon it its formal freedom; its ability to distance itself from the natural drive and *think* as an intellect. It is the pure drive that begins the *activity* of the I; the initial distancing of the I from its natural demands. The pure drive, then, is the I's self-activity, and this fact places it over and above the natural drive.

The pure drive, in this way, is fundamentally superior to the natural drive, and once intuited, is immediately recognized as such. Recognition of the pure drive within oneself, then, entails recognizing its being over and above the natural drive. Furthermore, it entails recognizing that the pure drive is superior because it grounds the very nature of consciousness; the pure drive is essential to the I. Its authority rests on this essentiality.

So, the pure drive demands that the I act self-sufficiently and free from the natural drive, and the I is able to intuit this demand. But there is a problem with its relation to the I as presently conceived. The demand to act self-sufficiently is not, it turns out, sufficient to motivate action. The reason Fichte gives for this insufficiency is fairly straightforward;

[170] Ibid.

[171] Ibid.

simply put, this demand for self-sufficiency is too vague to be able to guide actual acting in the world.

Explaining this insufficiency is a bit more complicated. Fichte's general theory of action focuses on the concept of an 'interest'. Here we see that the pure drive musts be unified with the natural drive in order to make specific demands on our acting in the world. Our engagement in the world, Fichte says, is based in our immediate interests in it. We only notice those things that we are interested in for some reason or another; things that have no relation to our interests simply go unnoticed. These particular interests in the world always originate in our drives. In other words, in all cases, the *immediate* way we relate to the world is via our drives. Drives create in us interest in the world around us.

It is for this reason that Fichte introduces an important change in language as he continues his discussion of conscience. The pure drive is the transcendental grounding of our negation of the natural drive. But it produces no positive content; as it has been presented so far, it can make no determinative demands on the I. Fichte introduces an 'ethical drive' that is able to do this. It is, he says, a "mixed drive" that "obtains its material, toward which it is directed, from the natural drive," but maintains the *form* of the pure drive. "Like the pure drive, it is absolute; it demands something purely and simply, for no end outside of itself."[172]

But unlike the pure drive, it does not demand freedom as such; it demands specific actions in the world that accord with freedom. This makes the ethical drive fundamentally grounded in a theoretical process. The "final end" of what the ethical drive demands is "complete independence" and notably, Fichte remarks that "I ought to have

[172] Ibid, 144.

this final end in view absolutely because I ought to have it in view – because I am an I."[173] Fichte is clear from the outset of his account, then, that part of the process of acting morally involves having the right sort of end in clear view. Complete independence, that is, self-sufficiency, I argue is brought in to clear view through reflective self-awareness of the nature of I-hood. In other words, the ethical drive makes material demands when the I has the end of complete independence in view, and this is done by reflecting upon the fact that the I is morally bound and free insofar as it chooses morally.

As Fichte explains the concept of an interest, he notes that seen from "another side," all interest in the world is fundamentally and "interest in myself and is itself only a modification of this interest in myself. Everything that interests me is related to myself."[174] What is noteworthy about this is, in addition to its nice summary of the nature of the I's being in the world, is Fichte's explanation for *where* this very interest in the self originates. Fichte asks why it is that we are interested in the self in a way that creates interests in the world; in other words, what about I-hood makes it such that it has drives that demand things?

Fichte's answer is to posit another drive, called the *original drive*. The original drive is the unity of the natural drive and the pure drive; it demands harmony within the self between the necessarily opposed drives.

The original drive seeks a harmony within us that *is* immediately felt. This harmony is indicated by pleasure felt when one considers an action that will harmonize the natural drive and the pure drive within the self. Crucially, it is in reality not *another*

[173] Ibid, 144-45.

[174] Ibid, 136.

drive at all; it is simply the natural and the pure drive seen transcendentally. In other words, these drives are ultimately the same thing; a drive toward self-sufficiency in the world, done via the fulfillment of bodily needs as well as free action. The original drive is the motivation to *act.* As we will see, it motivates by producing a feeling of conscience when it encounters an action that properly harmonizes the self.

In another way, the original drive seeks unity between what Fichte says are two "very different components" of the I – the *original* I, and the *actual* I. This is a unity within the self between its true nature and its actuality in the world. As we have seen, the I's true nature – its essential character – is its very tendency toward self-sufficiency, so restated, the original drive seeks to enact the abstract demand of the pure drive within the actuality of the I's actual, embodied existence. The pure drive requires the natural drive in order to place specific demands upon us, but it demands that the I's essential character as tendency toward absolute self-sufficiency be instantiated in the world. This absolute demand for self-sufficiency must be translated into an immediately felt interest. This is done via the original drive's demand for unity within the self that harmonizes our pure drive and our natural drive. And the feeling such a harmony produces will be *conscience.*

There is a final, crucial step in Fichte's system, and it involves just this translation of the abstract, pure drive for freedom into real material demands on us. The pure drive, Fichte observes, has no actual causal force; it is merely the negation of the natural drive. Transcendentally, it grounds consciousness itself, but Fichte's claim is that it does not present in ordinary consciousness. The abstract demand for self-sufficiency, truly a single *original drive*, is divided into a natural and a pure drive in embodied, finite individuals. This is what allows for I-hood at all. But at this point, Fichte must bridge the

gap between this transcendental account of consciousness and his ultimate goal – to suggest that the very thing that grounds consciousness could not only motivate specific actions in the world, but demand them.

Fichte's way of doing this is to suggest that within ordinary consciousness is an 'ethical drive' that mixes the abstract demand of freedom with the specific material demands of the natural drive. The way this happens is rational in nature. The ethical drive is our theoretically grounded drive to establish which among a series of material options best fit with our nature as self-sufficient. Together, the rational process the ethical drive demands, and the feeling of conscience that motivates us to actually act, form the backbone of Fichte's ethics. The ethical drive and the original drive, generally, are related this way: the harmony demanded by the original drive, and indicated by conscience, occurs when a specific action has been chosen. But we must have a way of establishing *what* action will provide this harmony. The ethical drive is what the I use to evaluate how the drive for this harmony will be applied in a particular situation. It has material content while also having the end of self-sufficiency.

Thus, the role of the ethical drive in moral deliberation is to drive practical engagement with the world. Fichte writes:

> The ethical drive is *positive;* it drives one to act in some determinate manner.[175]

Soon after:

> The ethical drive is not the categorical imperative – rather, it drives us to form such an imperative for ourselves, to tell ourselves that something or other simply has to occur. The categorical imperative is our own product; it is ours insofar as we are capable of concepts or intelligent beings.[176]

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[175] Ibid, 145.

[176] Ibid, 147.

Thus, through the ethical drive, the 'essential character' of the I as a tendency toward the absolute gains real force. The ethical drive is our cognitive awareness of this tendency; it is what transforms the character of the I into positive content about what the I ought to do in any given situation.

Full I-hood, we have seen, is aspirational insofar as individuals must do reflective work in order to acquire it. Now we have a sense of why this reflective work occurs in I's. It occurs because the I has a drive to be as free in the world as it is in its pure being. The entire I experiences itself as divided, and it seeks to rectify this division. The original drive is this seeking, and it is satisfied when the pure drive is harmonized with the natural drive. In other words, it is satisfied when the I does something that is truly free within the confines of its bodily existence. (This does not mean, of course, that the original drive requires that one act in accordance with the natural drive in all cases; this is the very thing the pure drive allows us not to do. Fichte's point here is that the I can only act within the framework of its interests and its original limitedness in the world, which are all necessarily entailed by its embodied, desire-based relation to the world. So even upon refusing the natural drive, it is the desire this drive created that creates the landscape of options for the individual. It is the natural drive that determines our immediate experience of the world; all subsequent action is done on the basis of this initial engagement.)

With this basic framework, Fichte begins to sketch how the individual acts in the world. The original drive, we now know, demands a harmony between fundamentally divided aspects of the self. This harmony is the result of a moral act in the world, and discovering such an act provides a feeling of conscience.

The way this action is discovered is via our ethical drive; that cognitive process that leads us to deliberate about our course of action. The ethical drive seeks to implement the demand for self-sufficiency within a specific situation in the world. It seeks to discover which course of action best fulfills the demand for absolute self-determination.

But this deliberation, driven by the cognitively grounded ethical drive, is not enough to motivate one to act. In Fichte's view, individuals must *feel* their motivation to action; we might say that they must in *internally* motivated. An interest in the world must be felt immediately. This is straightforward with respect to the natural drive; a longing places a bodily desire upon us. But incorporating a motivation from *freedom* into his account of action is more complicated. Fichte's basic idea is that while the ethical drive motivates us to deliberate about what best fulfills the demand for self-sufficiency, it is a feeling of conscience, grounded in the original drive, that ultimately motivates the I to act upon one of these options.

As of now, it is clear that the original drive grounds the *felt* way that action is motivated in an individual. The original drive leads to a *feeling of conscience* that motivates us when we hit upon the right course of action, and this feeling is analogous to the feeling of *longing* that allows our body to motivate us as well. The feeling of conscience is how something as abstract as a pure drive for freedom could translate into real action in a material world. The way in which conscience motivates is, in my view, two-fold. The harmony it produces clearly has a role in leading the individual to *actually do* what it has determined that it ought. In this way, it is the link that allows a demand for freedom to actually translate into real, material activity. But, as I argue below, there is

another way that it motivates; by being the final way that the I discerns the action that it ought to do. This function of conscience is notoriously complex. In my reading, while the ethical drive motivates a cognitive deliberation about what one ought to do, this deliberation is ultimately decided via a feeling of conscience; not a purely rational-deliberative process.

4.5 The Role Of Conscience

Kant's conception of conscience was that it is a confirmation that to the I that it is truly acting from duty. Kantian conscience provides no content about what one's duty is. Rather, it confirms to the self that duty is the true motivator behind one's actions.

Fichte claims that his version of conscience is the same. He writes that Kant is correct to see that consciousness has a duty to acquire knowledge that he is, in fact, acting from duty. He also claims Kant is correct in his view that conscience is "nothing whatsoever but a consciousness of duty," and that:

> conscience, the power of feeling described above, does not provide the material, which is provided only by the power of judgment, and conscience is not a power of judgment; conscience does, however, provide the evidential certainty, and this evidential certainty occurs solely in the consciousness of duty.[177]

If one takes Fichte at his word, then, the role of conscience in his system is straightforward. Conscience does not provide content about what to do, but instead acts as a check that indicates to the I that its action is truly motivated by duty. The content of one's duty comes from somewhere else, and conscience comes in to confirm that one is acting in accord with this duty, or perhaps to assure the individual that they are confident

[177] Ibid, 165.

this particular action is one's duty. This is commonly called the 'formal' interpretation of conscience by Fichte scholars. This interpretation of Fichtean conscience must then answer a series of questions concerning how one determines one's duty in the first place; i.e., with what mechanism does one establish the *material* content of one's duty? Recent work by Kosch, Ware, and Wood espouse this view in one form or another, and each of them have differing answers to this subsequent question.[178] Despite the recent popularity of this interpretation, and Fichte's seeming endorsement of it, it is not the standard one; interpretations that give Fichtean conscience a far larger role in his account of moral deliberation go back as far as Hegel himself.[179]

An alternative view of Fichtean conscience suggests that Fichte himself was mistaken to equate his conception of conscience to Kant's. This view claims that conscience does indeed serve a 'material' role in deciding one's duty. As Breazeale puts it in his interpretation of Fichtean conscience; "whereas for Kant, conscience is an internal tribunal that ascertains whether we have really determined our actions according to respect for the moral law, for Fichte it is precisely 'an inner feeling within our conscience' that determines what is and is not our duty."[180] This interpretation of Fichtean conscience, then, argues that what conscience indicates to consciousness is *not* something about the nature of one's motivations (that they are acting from duty), but

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[178] Kosch, Michelle. "Practical deliberation and the voice of conscience in Fichte's 1798 *System of Ethics"* Philosophers' Imprint. Vol. 14 No. 30. (2014);
Ware, Owen. "Fichte On Conscience" Philosophy and Phenomenological Research. doi: 10.1111/phpr.12286 (2016);
Wood, Allen. *Fichte's Ethical Thought.*

[179] Hegel, G.W.F. *The Phenomenology of Spirit* (1807)

[180] Breazeale. "In Defense of Fichte's Account of Ethical Deliberation," 200.

something about what they ought to do. Conscience, in this view, produces a feeling of harmony when the I happens upon the right course of action, and it is this feeling that indicates to the I that it ought to do *this* particular thing. As mentioned above, this 'material' interpretation has a long history in Fichte scholarship.[181]

My approach to this interpretative question is to suggest that both interpretations espouse only a partial picture of the true complexity of Fichte's system. Recent work to attribute Fichtean conscience the 'formal' role he himself claims for it is, I find, clearly at odds with much of what Fichte goes on to say about his conception. Such contemporary accounts risk diminishing the role of Fichtean conscience in his own account to the point of unrecognizability. However, they correctly note that there is a two-step process to moral deliberation for Fichte. But, contrary to the 'formal' interpretation, this two-step process *does* involve conscience in the process of material determination.

Kosch, for example, argues that conscience plays a role only in answering what she calls a 'second order' question about what to do: (Am I really *convinced* that *x* is the right thing to do).[182] In this account, the deliberative work takes place completely independently of conscience in order to answer the 'first order' question (is x the right thing to do), and then conscience comes in at the last step to confirm that one's motives are correct. To frame my account in these terms, I will essentially argue that this

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[181] Recent examples include:
Copleston, Frederick. *History of Philosophy Volume VII: Fichte to Nietzsche.* (Paulist Press 1963);
Beck, Gunnar. *Fichte and Kant on Freedom, Rights, and Law*. (Lexington Books 2008);
Breazeale "In Defense of Fichte's Account of Ethical Deliberation"

[182] See again Kosch "Practical deliberation and the voice of conscience in Fichte's 1798 *System of Ethics"*

distinction between the first and second order questions is necessarily distorting of Fichte's project, because the end up being, due to his account of I-hood, the same question.

This is because 'Am I really *convinced* that *x* is the right thing to do?' is not a vacuously self-justificatory claim that produces moral worth in virtue of its unreflected avowal of an act. Instead, fulfilling the second order question is, for Fichte, a rigorous task, of which he explicitly says we ought to always question our success. Becoming convinced that *x* is the right thing to do, i.e., possessing a conviction of conscience, entails the claim 'x is *really* what I should do' because this conviction rests on a deliberative process of calculating which actions successfully produce this harmony of the empirical I and the pure I within us. This is what urges Fichte to claim that, regarding my convictions: "Deep in my mind, even if I am not clearly conscious of it, I harbor that doubt to which we pointed earlier, a doubt concerning whether my individuality might not have had some influence on the result I found [by means of my reasoning.]"[183] If conscience, as Kosche argues Fichte believes, can never err precisely because it can only assure us of the satisfaction of the formal, second-order question, it is difficult to see how this doubt could occur.

What this 'formal' account of conscience gets right about Fichte's view, though, is that there is indeed a division between the process of determining right action and the feeling of conscience that motivates us to act on it. This is the difference is demonstrated by the different role that Fichte gives to the ethical drive and the original drive. The ethical drive is that cognitive drive to determine which action is the moral choice. The original drive motivates the I to act upon what the ethical drive reveals, by demanding a

[183] SE, 234.

harmony within the self that is only felt when moral action is done.

I would suggest that it is, then, *technically* correct to suggest that conscience plays a formal role in moral deliberation, in the sense that it is not a mysterious feeling of conscience, independent of reason, that blindly guides us toward one action or another. It is true to say instead that the feeling of conscience motivates us to act via a *formal* role in correctly establishing the very motivation of our action. However, the reason I think dividing the first and second order questions of deliberation above is necessarily distorting is because it removes the deliberative process behind the second order question, which is portrayed in this account as simply confirmed or denied via a feeling. This is where Fichte's account of I-hood is particularly clarifying. What it reveals is that a feeling of conscience can only take place once theoretical judgment has assessed *both* of these questions. I argue that it is reflection that does the theoretical work of addressing the second (Am I really convinced X is the right thing to do.)

What my account of conscience further emphasizes, then, is conscience relies upon the theoretical functioning of the ethical drive, but that it *does* play a role in determining what the content of one's actions is. In order for the harmony demanded by the original drive to occur, and thus, in order for a feeling of conscience to occur, one must have deliberated about what to do. This deliberation is done on the basis of the demand of the ethical drive; a drive that demands self-sufficiency in the world. But it is conscience that ultimate indicates which action is moral, because it is conscience that indicates that the harmony this ethical drive seeks has been discovered.

Properly understanding the role of conscience requires understanding that conscience motivates us to act morally; its 'formal' role is to confirm to us that we *ought*

to do *this* thing. This ought is felt as an ought because of the sort of thing the I is. The I is free. When the I recognizes a specific act as being driven by this fundamental freedom, the I feels a harmony within the itself - between what it knows itself to be, and the action it legislates to itself in that specific situation.

In this way, the subjective experience of conscience requires rational deliberation about how to apply the ethical drive. This rational deliberation, during which we ought to discuss with others and explore as many material features of a situation as possible, is aimed at answering the 'first order question' or what best aims at self-sufficiency. But it is important to see that one cannot separate this material question from the second order question of whether I am really convinced. This is because, as I argue below, both questions require self-reflection upon the nature of I-hood. Both the question of *what* to do and the question of whether I am convinced of what I ought to do can only be answered on the basis of an appropriate understanding of one's relationship to the moral law. In other words, both require that the I recognize the self-given nature of the moral law, and its relationship to its fundamental nature as free activity.

We have now seen that part of acting as a moral agent requires understanding that duty is necessarily binding. And we have seen that Fichte thinks this understanding is a reflective feat that individuals frequently fail to achieve. This reflective process is a part of the second order question; Am I really convinced x is the right thing to do? In other words, even though it is correct to conceive of conscience as formal, and fundamentally indicating a certain motivational state, this very state requires reflective work on part of the I to achieve. Thus, determining one's duty is not, as some 'material' interpretations of

Fichtean conscience have suggested, *simply* a matter of consulting one's conscience.[184] Such a portrayal of conscience suggests conscience can be applied to material situations, that it can arbitrate between different material options by producing a feeling of conscience with respect to one and not with respect to the other.

But this view, as I argue below, misconstrues the 'immediacy' of Fichtean conscience. It is not conscience that we apply to a situation, but the ethical drive's material demand for self-sufficiency. This begins a deliberative process, which as of now remains to be explicated. Conscience motivates via interaction with this process, not via an immediate insight into the moral tapestry of a material situation. In other words, it is the ethical drive that discerns this moral tapestry, and conscience is the subjective experience that motivates to act on its basis. In this way, classic 'material' interpretations of Fichtean conscience fail to properly emphasize the deliberative backdrop in Fichtean moral deliberation. Thus, whereas 'formal' interpretations of conscience do not properly account for the way in which the formal question conscience answers requires deliberation itself, 'material' interpretations gloss over the way in which the 'immediate' feeling of conscience requires mediation of a situation via theoretical deliberation in order to ensue.

In one sense, the integral role of deliberation about one's specific material situation is made clear by Fichte's conception of the original drive. The final end of all action is to be both formally, in our conscious choosing, and materially, in our embodied being, completely self-sufficient. The original drive does not merely aim for formal freedom; that is the aim of the pure drive. The original drive aims for harmony between our nature as I's and the actual, material world. Conscience, for Fichte, is a feeling that

[184] See for example, Copleston. *A History of Philosophy, Volume VII: Fichte to Nietzsche*

indicates this harmony. It indicates that our action is both formally and materially free. It indicates that a certain material action is fundamentally a product of our own freely given ends, our own self-legislation. Thus, when we have a *feeling* that something is the moral thing to do, i.e., when we experience a conviction of conscience, this is necessarily the product of both a formal indication that we are freely choosing our action and that this action is materially in line with the ethical drive.

Thus, in order for the original drive to produce a conviction through the moral law, it must see a harmony between the pure 'I' and the empirical 'I', an insight which is simply incomprehensible without explicit deliberation about the manifold of available actions and which conform to this harmony. Conscience understood without this deliberative component would fail to adequately capture the material component that is essential to the original drive. Thus, conscience, in Fichte's understanding, is only *formally* immediate. Materially, a conviction from conscience is only possible after much deliberation on the part of theoretical, means-ends reasoning. The immediacy with which we *feel* a conviction is not an indication that conscience is devoid of calculative processes or painstaking weighing of various actions in the world before us. On the contrary, conscience, for Fichte, produces conviction only on the basis of this very procedure.

This is precisely because of the nature of the moral law for Fichte, which is a result of the nature of I-hood, which is constitutively material. Likewise, a conviction of conscience is only possible when felt in a constitutively material way. Fichte distances himself from Kant's purely formal account of the moral law's role in practical deliberation. Contra the categorical imperative, Fichte thinks the moral law can produce real material commands on us, rather than merely checking our actions against moral

permissibility. Conscience produces material demands, then, but not by producing in us a materially immediate feeling that guides our actions without reference to the empirical world. Instead, it produces material demands by referencing a moral law that can only be understood materially. The feeling of conscience is a feeling of harmony between the material world and the pure I. In order to produce a conviction that this harmony is present, conscience must include not only a formal reference to freedom in consciousness, but a reference to a theoretical calculation about which material actions are in harmony with this freedom.

In order for the original drive to produce a conviction through the moral law, it must see a harmony between the pure 'I' and the empirical 'I', an insight which is simply incomprehensible without explicit deliberation about the manifold of available actions and which conform to this harmony. The moral law is the result of a drive – the ethical drive - that has as its aim a particular goal – absolute self-sufficiency. All other ends, in Fichte's understanding of moral deliberation, must be understood in these terms. Thus, conscience is only *formally* immediate, i.e., experienced as a feeling of obligation, or ought. Materially, such a conviction from conscience is only possible after much deliberation on the part of theoretical reason. The immediacy with which we *feel* a conviction is not an indication that conscience is devoid of calculative processes or painstaking weighing of various actions in the world before us. On the contrary, conscience, for Fichte, produces conviction only on the basis of this very procedure.

This Fichtean system renders the demands of the moral law often difficult to establish, discoverable only through calculative deliberation. The Fichtean agent is one who struggles with the question of what one *ought* to do, and feels a certain moral

struggle with deliberations about how to act in her world. For Fichte, we as subjects feel moral oughts in a way that often requires a mental process in order to formulate in a way that materially relates to our world. The mental process of relating our drive for self-sufficiency to our material world produces moral laws, experiences as *ought's* through our conscience. As we deliberate about how to act, we deliberate morally about how to act with regard to this drive. For Fichte, the moral law is not given in a pure form; rather it is established in relation to our materiality. As such, the Fichtean subject must strive to establish what the moral law demands of her.

One 'material' interpretation of conscience that may get at this important role of deliberation is Breazeale's.[185] Breazeale emphasizes the nature of deliberation as reflective judgment, and argues that the product of this deliberation is a feeling of conscience that indicates to the I what to do in a particular situation. A main motivation of Breazeale's thesis is to ward off charges that Fichte's 'conscience' is too 'fanatical' and 'subjective' to ground any real ethical system. He does this by emphasizing the role of judgment in determining right action and thus in producing a feeling of conscience within an I.

What is not present in Breazeale's account, and why I partially part ways with it, is the distinction between moral judgment and conviction that Wood introduces.[186] This distinction, based on Fichte's description of the ethical drive, is crucial to a full understanding of the precise way in which conscience is related to theoretical

[185] Breazeale. "In Defense of Fichte's Account of Ethical Deliberation."

[186] *Fichte's Ethical Thought.*

judgment.[187] Wood, like Breazeale, is concerned with avoiding the conclusion that Fichtean conscience is fanatical; that it is an infallible criterion for moral truth, and "this criterion can consist solely in the subjective feeling that we are right."[188] The risk, as Wood puts it, is the idea that Fichte thinks "we have not reflected sufficiently on a moral decision until we have converted ourselves into inflexible fanatics about it, based solely on our subjective feeling that we are infallibly right."[189] Thus, the danger is two-fold. A plausible moral philosophy would not suggest moral rightness consists of becoming an unquestioning fanatic, nor would it suggest that moral rightness consists only in being very sure that one is right.

Wood's approach to avoiding these dangers is to posit just the distinction between moral judgment and conviction that is helpful for my own account here. In his view, the theoretical project of determining *what to do* remains uncertain, and he offers compelling evidence that Fichte agrees. Several passages in particular seem to reveal this in *The System of Ethics*. Consider first this summary of the process of moral deliberation by Fichte:

> The practical power is thus unable to provide us with this X [determinate action or abstention from action that is in accord with duty]; instead, the latter has to be sought by the power of judgment, which is here reflecting freely….The moral drive thus manifests itself in this case as a drive toward a determinate cognition. Let us assume that the power

[187] Despite this, I am not convinced Breazeale's and Wood's account are *that* different. The most significant difference appears to be their account of what brings about a feeling of conscience; Wood suggests it is borne of a subjective need to act, whereas Breazeale claims it originates in the theoretical process that produces a distinct claim about right action. Nonetheless, both capture the important role of deliberation, an achievement few other Fichtean scholars have reached.

[188] *Fichte's Ethical Thought,* 159.

[189] Ibid.

> of judgment were to find X, a discovery that seems to depend upon good luck: the original I and that actual I will now be in harmony, and from this there will arise a feeling…[190]

The general picture given here is one in which theoretical judgment reflects on what to do, and when it hits upon action X that is in accord with duty, there will be a harmony within the I. This harmony will produce a feeling in the I; a feeling of conscience, and this constitutes a conviction as to what one's duty is. This subjective certainty indicates that the I ought to act in such a way in this particular situation. But it does not indicate with theoretical certainty of the sort we might want from theoretical knowledge about the objective world. Conscience "determines" one's duty insofar as it takes up the work of the ethical drive and uses it to determine which action is morally required.

This complex relationship between conscience and the ethical drive is confirmed in the passage below:

> The ethical drive, insofar as it appears within consciousness, demands some concept =X, which is, however, insufficiently determined *for the ethical drive*; and to this extent the ethical drive formally determines the power of cognition; i.e., it drives the reflecting power of judgment to search for the concept in question. The power of cognition is, however, also determined materially with regard to concept X by the ethical drive, insofar as the latter is viewed as what is original; for, as we have just seen, X arises through the complete determination of the object by means of the entire original drive.[191]

The crucial feature of this passage is the relationship between the cognition driven by the ethical drive, and the "complete determination of the object" given by the original drive. Ethical duty 'X' is insufficiently determined by the ethical drive alone; it requires the original drive to gain "complete determination." This means that while it is the ethical drive that "materially determines" the concept X, this concept is not completely

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[190] SE, 158.

[191] Ibid.

determined as a duty until the original drive takes it up as so. The power of cognition, via the ethical drive, presents an act X as an option for fulfilling the demand for self-sufficiency. The original drive, however, endorses a specific action X as the material demand of one's duty.

It is notable that in the above passage, Fichte seems to present the original drive as *inclusive* of the ethical drive; he states that the ethical drive determines duty materially *if* one understands the ethical drive as part of the original drive. This makes sense if one recalls that the ethical drive is fundamentally the way in which the pure drive presents itself in ordinary consciousness. The original drive is the unity of the pure drive with the natural drive. Thus, seen transcendentally, the ethical drive is included in the original drive as well. However, from the point of ordinary consciousness, the ethical drive is experienced as distinct from the feeling of conscience grounded in the harmony demanded by the original drive. Thus, as Fichte notes here, while it is technically correct to say that the ethical drive determines one's material duty, this is because it is technically speaking, a part of the original drive. The original drive must then be able to provide this material content.

Thus, when Fichte writes that "Conscience is the immediate consciousness of our determinate duty," this consciousness is what tells us that *this* action is our duty. It has been presented as an option by the ethical drive, but it is endorsed as duty by conscience.

> …consciousness of something determinate is, as such, never immediate, but is found through thinking. (With respect to its content, the consciousness of our duty is not immediate.) Once something determinate has been given, however, the consciousness *that* this determinate something is a duty is an immediate consciousness.[192]

The importance of this distinction, between the cognitive process of the ethical drive, and

[192] Ibid, 164.

the endorsement of conscience, is that it allows Fichte to avoid arguing that the feeling of conscience is something fundamentally inexplicable, mysterious, or unassailable. In Fichte's presentation of moral deliberation, one must be able to explain, rationally, why one came to view her duty as she did. She must be able to speak to her choice. Her feeling of conscience that endorses an action as duty occurs only after much rational deliberation about what to do. This is emphasized with especial clarity as Fichte describes the importance of conversation with other moral agents to the deliberative process. In Fichte's account, part of the process of moral deliberation is discussing with others one's specific situation, reasoning with them, and seeking agreement among agents as to what one's duty is in a given situation. Fichte is optimistic about this possibility; he suggests that in any situation, if one has acted morally one ought to be able to reach an agreement with other moral agents that one did the right thing in her particular situation. Conscience, then, does not provide the I with fanatical, mysterious knowledge about duty, in a way that cannot be critiqued by others. Rather, it comes about on the basis on rational inquiry, inclusive of collaborative inquiries, about what one ought to do. There are *reasons* behind one's feeling of conscience.

4.6 The Role of Reflection

In his account, Wood emphasizes the objective un-knowability of our duty, citing the following passage from *The System of Ethics*:

> Thinking should rigorously pursue its own course, independently of conscience…No mere fanatical enthusiast would ever dare act upon his feeling if this meant being stuck with this same conviction for all eternity, with no possibility of ever altering his

conviction.[193]

The point, as Wood takes it, is that conscience is a *subjective* confirmation to the I that it is acting correctly in its situation. It is not a claim to theoretical certainty about this; rather, it is a claim to certainty that, given my best attempt to discern my duty, I am acting on it. As I's, we must act in the world, despite having only a limited view of our situation or our universality. Conscience is how we are motivated to action by this universal nature, by our essential character, despite never having theoretical certainty that we are indeed assessing its material demands correctly. As Wood writes:

> "Certainty is something Fichte holds that no theoretical inquiry con ever give us on any topic outside mathematics and transcendental philosophy. We cannot have it, as ordinary moral agents, concerning what we ought to do. Conscience, then, does not tell us *what* to do: that we learn from theoretical inquiry. But this inquiry must be free and ongoing, always questioning, and is never final. Its results are at every point always tentative and to some degree always uncertain. The function of conscience is to add to this theoretical judgment something *practical,* namely, the *immediate feeling of certainty* that, here and now, *we ought to do it.*[194]

> As Fichte sees it, the issue for conscience to decide is not *what* I am to do, but instead *whether* I am to act at al, and with what *attitude*. This is how we should understand Fichte's argument that there must be an "absolute criterion" for correct conviction. Fichte is not claiming that there must be an infallible criterion for the *correctness of the judgment* that *this is what I ought to do.* He is concerned instead with *the decision to do it*. [195]

As Wood sees it, granting conscience the power to determine which action is one's duty, given Fichte's conception of it as an absolute criterion, infallible in its decision, would be akin to a "material duty of belief," the existence of which Fichte denies. Fichte's concern is that if I were to be honest with myself, and "acknowledge the theoretical openness of

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[193] Ibid, 166.

[194] *Fichte's Ethical Thought,* 160.

[195] Ibid, 162.

questions concerning the content of my duty, this might paralyze me and make me unable to act at all."[196] The feeling of conscience allows one to say, with absolute certainty, that they are acting blamelessly, despite this reality.

This account, which indeed gives conscience an explicitly 'formal' role in deliberation, denies that conscience provides any material content about one's duty. I have argued that this is technically correct; the material content comes from the ethical drive. However, it is conscience which endorses it, and I have argued that 'formal' conceptions of this endorsement miss something about its nature. One can imagine the ethical drive leading one to think through several options about how to act, and weighing them in light of a cognitively understood demand for self-sufficiency. A feeling of conscience does not occur without such rational deliberation; i.e., one must have a backdrop of reasons justifying one's duty in order for a feeling of conscience to occur. Yet, in Fichte's account, I take it to be the feeling itself that ultimately arbitrates between options, and finally determines 'this' or 'that' to be one's duty. This feeling, potentially, endorses an action that reasons suggest is one's duty in a fairly straightforward way; sometimes the rightness of an action is cognitively clear. Other times, it endorses an action precisely *despite* this lack of cognitive clarity. This is the way in which Wood describes conscience as providing subjective certainty; not objective certainty. In either case, however, it is ultimately the feeling of conscience that points to an action and demands that it be done, and ultimately the feeling of conscience that motivates action on the basis of freedom itself.

[196] Ibid, 163-4.

4.7 A Necessary Role for Reflection

My account leaves two questions to be answered. Answering these, I believe, reveals that while conscience's role is formal insofar as it does not provide the material content of one's duty, it's role is far more substantive than merely confirming than merely confirming "I am convinced x is the right thing to do." Conscience does confirm this, but it also motivates action by revealing a reflectively produced harmony within the self; not a vague feeling of confidence or empty promise that one's intentions are good. Furthermore, I think the answers to these two questions bring out the unique importance of individual reflection in Fichte's account of deliberation. Self-reflection, that is, the task of coming to know one's necessary boundedness to the moral law, is a part of both establishing one's duty, and acting on it.

First, in this account of moral deliberation, one must wonder *how* the ethical drive deliberates about one's duty. What standard does it apply? How does 'self-sufficiency' as a goal translate into reason-based deliberation about what to do? In 'material' interpretations, right action is determined by testing options until one produces a feeling of conscience. But we have seen that there is necessarily far more rational work that goes into such a process than this account allows. How, then does this ethical drive deliberate? What standard does it apply, and how does it establish duty?

Fichte frustratingly does not offer an account of how the ethical drive's end of material self-sufficiency drives deliberation, but given the entirety of his ethical system, this is hardly surprising. Fichte emphasizes throughout his account that the particular way the end of self-sufficiency will determine action cannot be given in advance. This is

because of both the nature of material demands; they are situation-dependent, even when the universal end is the same, *and* because of the very nature of this end. The end of self-sufficiency, of harmony within the I between the finite, actual I, and the pure will that grounds the original I, is something each individual must come to understand herself.[197] Wood's way of summing up how the ethical drive produces concrete demands is as follows, but this only makes clearer that it is the *individual* who must ultimately decide what her universal nature as free means for her particular situation.

> The way moral conviction works, then, is this. It selects part of the natural drive which unites with the pure drive, in this way. "I act freely in order to become free" – SL 4:153) That is, when I act with formal freedom in order to choose the materially free action made available to me by my situation. I do this when I "act with consciousness of my absolute self-determination," with thoughtful self-awareness and reflection" – SL 4:154. To do this is to grasp a particular action as a duty. The ethical drive drives me to form a categorical imperative and then my conscience takes the form of a conviction that it applies to this action, which is my duty. The 'principle of an applicable ethics" is therefore: "always act in accordance with your best conviction concerning your duty, or "act according to your conscience.")[198]

Although Fichte does not emphasize this point, I think it is worth considering how a better understanding of one's nature as free might enable one to discern the consequences of this nature; in other words, to discern one's duty. In this way, the reflective work to raise oneself to the level of full I-hood is partially the work of better enabling one to see one's duty in the material world. This goes some way toward answering how the individual applies a universal demand for self-sufficiency to concrete situations; to do so, she must first understand her own relationship to this demand. The ethical drive, seen in light of this, would be reasoning through how to best act in

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[197] For a contrasting, and controversial account, that suggests Fichtean moral deliberation is consequentialist, see again Kosch "Practical deliberation and the voice of conscience in Fichte's 1798 *System of Ethics"*

[198] *Fichte's Ethical Thought,* 157.

accordance with one's own nature. Because of the reflective process that brings this nature to consciousness, the ethical drive would then be able to reason through options for action with a fundamental knowledge about *who* the I that is acting is. This knowledge, in my view, can serve as an objective standard for moral deliberation. And it offers a universal standard insofar as the essential nature of the I is fundamentally the same for each of us; absolutely free to determine ourself in the world.

Regarding the second way in which I think reflection plays a role in moral deliberation, Fichte does give us a strong indication of his views. This role of reflection answers the question of how, precisely, one comes to have a 'conviction of conscience', and what exactly this indicates to the self. Despite this being a feeling within the self, I do not think Fichtean conscience is quite as subjective as calling it a 'feeling' might suggest. Rather, I think it is the result of a significant amount of reflective work done by the individual. Though conscience is a feeling, Fichte's presentation of it suggests it is something we have to actively seek; not something that we inexplicably receive, but something we feel on the basis of a rational-reflective backdrop.

The best explanation of this relationship comes as Fichte tries to explain moral failure, and offers his diagnoses of what happens when someone fails to act according to conscience. In each case, the key failure is one of failing to recognize the true bindingness of a duty. In other words, moral failure occurs when one sees one's duty, but does not recognize that it *must* bind the I because of the sort of thing the I is. Moral action requires sees what one must do and understanding this 'must' correctly; as a product of the very nature of I-hood itself. Any other understanding, in Fichte's view, distorts the

nature of duty and allows the self to view it as dispensable.

This distortion of one's relationship to duty essentially prevents, extinguishes, or covers over a feeling of conscience; thus preventing moral action. Importantly, for Fichte, this is the only way to conceive of someone knowing what is right but choosing otherwise. *Truly* knowing the rightness of an action would prevent such a choice, and in fact make it incoherent. But it is possible, Fichte says, for one to rationally conclude that an action is one's duty, but fail to see oneself as the sort of thing that is necessarily bound by this.

My suggestion, then, is that moral failing is necessarily a reflective failing, and more precisely, a reflective failure to move oneself from the third stage of self-sufficiency to the fourth. Furthermore, the following passages make it clear that Fichte viewed this reflective step - from seeing oneself as blindly free and the moral law as supererogatory, to seeing freedom as necessarily entailing this moral law – is a step that the individual must take as a part of moral deliberation itself. There is always, it seems, the danger of misrepresenting to oneself one's own relationship to the duty revealed by the ethical drive.

> … the demand of duty is determined *as duty,* that is, it is determined with respect to its form; it demands obedience absolutely and demands that all the other drives be set aside. If one allows this determinacy to become obscured, then the command of duty no longer appears to us to be a command, but merely something similar to a good piece of advice, which one can follow if one wishes and if it does not require one to renounce too much, and which can even be bargained down a bit.[199]

If one does not understand themselves as freely acting only insofar as one acts morally, the moral law itself necessarily becomes something more like a 'piece of advice' than an actual demand. This is, perhaps, the strongest articulation of the importance of self-

[199] Ibid, 186.

reflection found in Fichte's ethical account. If moral duty is to appear to us *as duty*, we must understand ourselves correctly as the sort of thing that is *bound to the duty we discover.* This is the only way the demand of the ethical drive becomes truly motivating; the only way our nature as I's actually moves us to act in the material world, and thus, the only way in which we act in a materially free way.

In §16, Fichte suggests that choosing to take up conscience as motivating one's actions is essentially dependent on one's ability to reflectively see that one *ought* to do so. He argues that clarity concerning one's duty – determinacy about this concept – requires consciousness to 'hold fast' the requirements of morality. Most, however, do not do so. They live 'enveloped in a fog' that prevents them from fully comprehending their duty. This fog is, I believe, a fog that prevents the I from seeing the bindingness of this duty; in other words, that prevents the I from seeing that one's duty is demanded precisely because it is a product of the I itself.

> "The loss of determinacy that interests us here, however, is the kind that occurs without consciousness, as a result of distraction and thoughtlessness. Only very few human beings grasp objects determinately and sharply. For most people, objects simply float by, as in a dream and are enveloped in fog. Does this mean that their understanding has not been active at all? No, it has been active, for otherwise they would not be conscious at all. It is simply that the determinacy immediately escapes them once again, and the passage through the regions of the understanding is quickly over. A concept that arises in this way is indeterminate, even with regard to its own indeterminacy. It oscillates between more or less indeterminacy, without any contribution from the power of judgment. – **We are here assuming that this is the case with the concept of duty; it becomes obscure because I do not hold it fast.**[200] (Emphasis mine)

Fichte's claim, then, is that some individuals, though they are what we might call

[200] SE,185.

'minimally conscious', are unable to hold onto the very idea of duty itself. We might diagnose these as individuals who are in the third stage of self-sufficiency; they are unable to conceive of themselves as bound by a moral law at all. The way to address this failure, Fichte suggests, is through an act of reflection, that 'holds fast' the duty within one's mind *as a duty*.

This is a remarkable insight because it suggests that one must work to fully see not only *what* is demanded. One must work to understand *that* it is demanded. This work is a self-reflective process to understand what is demanded by one's own humanity. Fichte's ethical project grounds the moral law in a fact about I-hood itself. Moral action, in this account of deliberation, requires that one see this link between I-hood and the moral law for oneself. It requires that one see for oneself what is most essential about being a self.

Fully comprehending this leads to moral action because one's freedom is bound by a recognition that to '*be who one is'* is to act morally. One's freedom, then, is bound by the moral law from within; as one deliberates about what one ought to do, the moral law is experienced, if one reflects fully, as self-given law. In other words, it is experienced as a limit upon one's actions that, viewed correctly, is a demand to act in full freedom as the sort of thing one most essentially is.

Fichte's account of moral deliberation emphasizes the necessity, and the difficulty, of exploring what it means to be an I. It is a central feature of Fichte's project that to understand what is fundamental about being an I is to recognize that one is morally bound. As he applies this to particular cases of moral deliberation, this feature is not lost. To the contrary, Fichte recognizes that it is not enough to see what a moral

person would do in a given situation. For this to have motivational force that enables one to act on this insight, one must have a further understanding. One must see themselves as a moral person. This means nothing more than to see oneself as fundamentally an I that, when it is acting as itself, acts in accordance with the moral law. It means seeing one's freedom and revealed and realized in the moral demands of one's situation.

Fichte's discussion of moral failing often returns to this theme of self-reflection in order to diagnose cases in which one sees the moral law, but does not act upon it. In order to avoid the classic problem of such cases – if one sees one's duty, how could they act against it – Fichte returns to the distinction between sees what morality demands, and seeing oneself as the sort of 'thing' or 'person' who must act on this demand. In the passage below, Fichte describes this process, and emphasizes its difficulty:

> "Only the concept of *this* action is accompanied by the feeling of certainty and conviction described above. This determinacy of the action escapes us, even while the form of the concept of duty remains. **We then seize upon something other than duty, something which, so far as we know, we might even be able to do for the sake of duty, but which, unbeknownst to us – assuming that we set to work honestly – is demanded and must be determined by some inclination, since we have already lost the genuine guiding thread of conscience.** In such a case we deceive ourselves about what is our duty and we act, as one usually puts it, from an erring conscience. **The error in question, however, is and remains our fault. Had we only held on to our insight into duty, which was already present (and which depends upon nothing but our freedom), then we would not have erred.** Quite a dangerous self-deception is involved here, against which one has to be very much on the alert. I said above, 'assuming only that we set to work honestly,' for it is entirely possible that someone only pretends in front of others that he does something from duty, while he himself knows very well that he does it from self-interest, that it is by no means demanded of him by duty, and that he does not care one whit about duty, because he is a dogmatic non-believer. Someone of this sort is a coarse hypocrite and does not belong among the class of human beings we are here considering.[201] (Emphasis mine)

What is remarkable about this passage is that Fichte allows for individuals who 'set to work honestly' but *still* fail to accurately understand their own moral boundedness.

[201] Ibid,185.

"Coarse hypocrites" who don't care about duty have obvious motive for distorting their obligation to it. But Fichte here describes someone who has no such mal intent, but still does so. The reflective process of understanding oneself correctly is revealed in this passage as particularly difficult, open to fault, and as in need of our constant vigilance. Self-reflection in Fichte's account, then, is a part of moral deliberation because it is continually the case that we must question our own self-conception, in order to assure that we have understood our nature as morally bound properly, and correctly understood what this nature demands in this situation. It is easy, Fichte suggests, to mistake our own inclination for our duty, sometimes unbeknownst to us. Complete honesty with ourselves is required if we wish to see the moral law. But such honesty about our motives and our nature is now an easy task, and it is one which must be a part of each instance of moral deliberation.

Fichte describes those who actively distort their duty as 'not being among the class of human beings we are here considering." These individuals *see* their duty, but they work to undo the bindingness that they glimpse. Fichte's exploration of moral failure, then, reveals that ignorance of one's nature as morally bound is enough to result in immoral action. But as this remark demonstrates, there are other cases when the failure to understand oneself as bound by duty appears deliberate. Some cases of moral failure then are not the product of ignorance about the nature of duty that result in one mistakenly taking themselves to be exempt from it. Rather, perhaps the most glaringly "immoral" actions are the product of an *active* failure on part of the individual to conceive of it correctly. Fichte dismisses these individuals because it is clear they don't have even the intention of acting in accordance with duty. But I am not so sure the line

between those consciously distorting duty for their own ends, and those who do so unbeknownst to themselves is so easy to draw. In both cases, Fichte deems their action immoral, and notes the final responsibility each of us has to undergo self-reflection completely and correctly. Immoral action, even that which rests upon a genuine yet incomplete attempt to understand one's own nature, remains immoral.

CONCLUSION

In this project, I have explored how Fichte's description of I-hood influences his account of moral deliberation. I have suggested that to represent Fichte's work coherently, one must differentiate between what I called 'minimal I-hood' and 'full I-hood'. Full I-hood entails full morality. It entails seeing one's duty in each situation, and acting in accordance with it. Of course, this is a unobtainable goal, one toward which Fichte says we all ought to strive. In the first chapter, I looked at the nature of what Fichte calls the 'absolute I'. Absolute self-positing activity is the transcendental ground of I-hood from which Fichte crafts his entire transcendental system. I argued that a division within the I, which is required for consciousness, leads to the I encountering what is most fundamental about itself as something toward which it must strive. From here, I focused on this encounter in order to build an account of moral deliberation that is grounded in this self-reflective effort to understand one's fundamental nature.

The result of this was my claim that Fichtean moral deliberation requires that the individual 'hold fast' awareness of herself as fundamentally morally bound. Furthermore, I suggested that seeing one's specific duty in a given situation may require just this awareness. In other words, seeing what one ought to do, and seeing oneself as someone who does what they ought to are deeply related cognitive efforts. A feeling of conscience, which motivates the I to act, requires both of them.

I began my project by suggesting that Fichte offers an example of a philosophy of freedom that includes moral boundedness. It does so by arguing that to be a free I necessarily means to bind oneself to one's own law, and that this law is nothing more

than the moral law. Along the way, I have suggested that Fichte's particular conception of self-sufficiency allows him to coherently claim that this is the case despite clear cases of moral failing and the fact of individuals freely choosing to act immorally. His ability to do this lies in his inclusion of self-reflection in the deliberative process. By suggesting that one must take up the task of reflecting upon oneself in order to discover one's own nature as morally bound, Fichte is able to claim that individuals are free to choose this or that action, but that *if* they choose to understand themselves correctly, they will choose morally. Individuals must choose to value truth in their search for their nature, and they must choose to undergo the reflective process required to find it.

This is why Fichte presents the moral law as a 'necessary thought'. The moral law is not an innate feature of ordinary consciousness. It is not necessary because one must have thought it in order to be considered free, or rational. It is necessary insofar as if one chooses to reflect upon themselves – if one chooses to undergo the process of discovering their nature – they will think it. This is simply because what one finds in this reflective process, if it is done accurately, is the absolute self-positing activity and the absolute freedom it entails. This revelation, that one is, in one's nature, a striving toward absolute freedom in the world, is what grounds moral deliberation in the material world. It does this by motivating this deliberation and leading to a feeling of conscience that indicates to the I what it ought to do and motivates the I to do it. In this way, the moral law is necessary for 'full I-hood'; it is necessary for achieving the absolute self-activity toward which the I strives. The I, as an ordinary consciousness, can experience its freedom only in this aspirational way, as it strives to be, in its embodied existence, what it is most fundamentally.

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